United Nations S/2015/797*

Security Council

Distr.: General
16 October 2015

Original: English

Letter dated 16 October 2015 from the Group of Experts extended pursuant to Security Council resolution 2198 (2015) addressed to the President of the Security Council

The members of the Group of Experts extended pursuant to Security Council resolution 2198 (2015) have the honour to transmit herewith, in accordance with paragraph 7 of Security Council resolution 2198 (2015), the midterm report on their work.

The report was provided to the Security Council Committee established pursuant to resolution 1533 (2004) on 28 September 2015 and was considered by the Committee on 14 October 2015.

The Group would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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* Reissued for technical reasons on 27 October 2015.

15-16307* (E) 271015

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Midterm report of the Group of Experts on the Democratic Republic of the Congo

Summary

During the period under review, the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo — FARDC) conducted military operations against several armed groups in the eastern Democratic Republic of the Congo during a breakdown in military cooperation between the Government and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). As detailed below, the operations have thus far had limited success, failing to dismantle the targeted groups. Armed groups continue to pose a threat to the peace and stability of the area.

Operations against the Allied Democratic Forces (ADF) continued into a second year, but led to very few elements leaving the group during the period under review. The group's sanctioned leader, Jamil Mukulu, was arrested, but its hierarchy appears otherwise largely intact. The group continues to operate in the area around Beni.

The voluntary disarmament process of the Forces démocratiques pour la libération du Rwanda (FDLR) came to an end in January 2015. Subsequent FARDC operations forced FDLR to retreat from some of its positions and temporarily disrupted some of its revenue streams. The operations are continuing, but the military capacity of FDLR thus far remains intact.

There were two attempts to negotiate with the Forces de résistance patriotiques en Ituri (FRPI) in late 2014 and June 2015, both of which failed and were followed by FARDC military operations against the armed group, the most recent of which is still under way. FRPI members were scattered as a result of the operations, but they continue to commit serious human rights abuses against civilians.

In the period from October 2014 to June 2015, between 350 and 450 civilians were killed in the Beni area, in North Kivu Province, in at least 50 separate incidents. Some of the killings were carried out by ADF. Both FARDC and MONUSCO failed to protect civilians from the repeated attacks.

Natural resources continue to be trafficked illegally, and armed groups and some FARDC officers are still benefiting from the exploitation and taxation of the resources. Mineral tracing tags conceived to ensure the traceability of minerals continue to be sold on the black market in Rwanda, which can allow minerals sourced in conflict areas in the eastern Democratic Republic of the Congo to enter the international market.

While recent efforts to improve weapon marking and registration and stockpile management in the Democratic Republic of the Congo are welcome initiatives, they are not comprehensive and still allow for weapons and ammunition to be transferred to armed groups.

During the period under review, many armed groups operating in the eastern Democratic Republic of the Congo continued to recruit and use children.

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I. Background

1. Pursuant to paragraph 7 of Security Council resolution 2198 (2015), the Group of Experts on the Democratic Republic of the Congo hereby submits its midterm report to the Council, after discussion with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

2. The Group notes with appreciation the support provided to its work by the Chair of the Committee, Dina Kawar (Jordan), during her visit to the Democratic Republic of the Congo, Uganda and Rwanda between 24 and 29 May 2015.

3. In accordance with the request made by the Security Council in paragraph 9 of its resolution 2198 (2015), the Group exchanged information with the Group of Experts on Côte d'Ivoire, and with the panels of experts on the Central African Republic, the Sudan and the Democratic People's Republic of Korea.

Cooperation with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

4. The Group notes with appreciation the support and collaboration of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) during the period under review.

Compliance with the Group's requests for information

5. During the first part of its mandate, the Group addressed official communications to Member States, international organizations and private entities. It will report fully on the replies received in its final report.

Methodology

6. The Group used the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997). The Group based its findings on documents and, wherever possible, on first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information by using at least three independent and reliable sources.

7. Given the nature of the conflict in the Democratic Republic of the Congo, there are few documents that provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, ex-combatants and current members of armed groups. The Group has also considered expert testimony by government officials and military officers from the Great Lakes region and United Nations sources.

8. The present report covers investigations up to and including 20 August 2015. Investigations relevant to the Group's mandate that occurred thereafter will be reflected in the final report.

II. Armed groups

A. Allied Democratic Forces

9. As at August 2015, the Allied Democratic Forces (ADF) hierarchy in Beni territory appeared largely intact, notwithstanding the arrest of its sanctioned leader, Jamil Mukulu, in the United Republic of Tanzania. Few combatants left the armed group in 2015, which made it difficult to present a full picture of the current state of ADF, such as the exact camp locations. Since the death of Brigadier General Lucien Bahuma of the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo — FARDC) in August 2014, the FARDC Sukola I operations against ADF have made little progress.

Arrest of Jamil Mukulu

10. Jamil Mukulu was arrested in the United Republic of Tanzania in late April 2015. A Ugandan official familiar with the case told the Group that Mukulu was seeking to renew Tanzanian passports for his family using a false name and was later arrested at his house after an immigration officer had contacted the police.

11. The Group made an official request to the Government of the United Republic of Tanzania to be granted the opportunity to interview Mukulu and to be provided with copies of the passports that he had in his possession. The Group has not yet received a reply.

12. Mukulu was subsequently extradited to Uganda on 10 July 2015, and the Group made the same request to the Ugandan authorities that same day. The Group has not yet received a reply, notwithstanding the promise that the Group would be able to interview Mukulu, as conveyed by the Minister of Defence of Uganda, Crispus Kiyonga, to the Chair of the Committee during her official visit to Uganda on 29 May 2015.

Sukola I operations

13. After Brigadier General Muhindo Akili Mundos took command of the Sukola I operations in August 2014, the operations made very little progress against ADF. In June 2015, he was replaced by Brigadier General Marcel Mbangu Mashita. Since then, a new FARDC offensive has been reported against ADF in the "Parking" area (32 km north-east of Beni). Three FARDC elements, including one involved in the fighting, reported that ADF had put up stiff resistance. Following a breakdown in the military cooperation between MONUSCO and the Government of the Democratic Republic of the Congo (see para. 26 below), the Sukola I operations have been carried out by FARDC with little support from MONUSCO.

Leadership and numbers of the Allied Democratic Forces

14. Despite the launch of the Sukola I operations against ADF in January 2014, the ADF leadership in Beni territory has remained largely intact. On the basis of food distribution lists recovered by FARDC in an abandoned ADF camp in Bango in February 2015 (see annex 1), the following leaders and commanders were still alive in January 2015: Seka Baluku, Hood Lukwago, Katende, Muzzanganda and Werason, as well as civilian leaders Sentongo and Rumisa. An ADF ex-combatant told the Group that Richard Mugisa and other prominent field commanders, Kabode,

Braida and Canada, were also still alive in April 2015. FARDC and MONUSCO had not reported the deaths of any of those leaders at the time of preparation of the present report. An ADF ex-combatant, as well as FARDC and Ugandan army sources, told the Group that a senior ADF military commander, Erias Seguja (also known as Feeza Mulalo), was no longer able to perform his duties owing to mental health issues. FARDC also claimed to have killed the former ADF Deputy Commander, Muzami Kiribaki Kasadha (also known as Kalume/Mzee Wako), in April 2015 near Bango, but the Group was unable to confirm that claim through other sources.

15. Both FARDC and the Expanded Joint Verification Mechanism estimate ADF strength at around 150 combatants. MONUSCO estimates that the group has 260 combatants. Two ADF ex-combatants put the strength at between 100 and 140 combatants.

16. An ADF ex-combatant and an ex-dependant identified the combatants and non-combatants in the group led by Seka Baluku from the above-mentioned list recovered in the Bango camp. Of the 114 people on the list, 28 were combatants and 86 dependants.[1] The group led by Baluku is considered to be the main ADF group.

17. Notwithstanding the arrest of Fiston Muhoya (also known as Kaberebere), cited by ADF ex-combatants as the number two person in the supply network[2] in late 2014, the network appears otherwise intact. Its leader, Amadi Elo (also known as Issa Kambale/Okapi), remains at large. An ADF ex-combatant, however, told the Group that, until early 2015, Sukola I operations had temporarily disrupted some resupply activities.

Movements of the Allied Democratic Forces in 2014/15

18. ADF returned to the general area of its former strongholds east of the Beni-Eringeti axis in August 2014, which was crucial for the armed group's food supply (see S/2015/19, para. 14). An ADF ex-combatant, an ADF dependant and an officer in FARDC told the Group that the return was possible because FARDC was no longer holding those positions.

19. Two ADF ex-combatants informed the Group that, after the return, and at least until January 2015, ADF had remained divided into several groups, located north and south of the former camp of Madina. The groups were led by Seka Baluku and field commanders Richard Mugisa, Kabode, Twalib, Canada, Issa and Braida. An ADF ex-combatant told the Group that, in January 2015, those groups had pulled back to the Bango area (30 km north-east of Eringeti) owing to pressure by the FARDC Sukola I operations. Two ADF ex-combatants and three people kidnapped recently by ADF told the Group that ADF remained mobile, frequently changing locations and avoiding contact with FARDC. Two ex-combatants, as well as two individuals kidnapped by ADF, informed the Group that various methods were used to avoid detection, including moving only at night and walking through rivers. ADF continued to use pathfinders, including Mzee Mubindo, Yunus and Afande Rafiki, who play an important role in navigating the terrain.

[1] It should be noted that, in the past, ADF sometimes used dependants in combat situations.

[2] The supply network provides ADF with medicine and other items for everyday use, such as soap and salt.

20. The armed group's main area of operation remains the forest east of the Beni-Eringeti axis. On the basis of the testimony of people kidnapped by ADF, the group has also been operating on the west side of the Beni-Eringeti axis.

Alleged connection with foreign terrorist groups

21. The Group followed up allegations of a possible connection between ADF and foreign terrorist groups such as Al-Shabaab, but found no evidence to support such a connection. The Group has received no response to its request, made in 2014, for information on the issue from the Government of Uganda, but was informed by high-level officials of the Democratic Republic of the Congo and Uganda that there was no evidence linking ADF to those groups.

B. Forces démocratiques de libération du Rwanda

22. Since the Group's final report for 2014, published on 12 January 2015 (S/2015/19), the Forces démocratiques de libération du Rwanda (FDLR)[3] made minor changes to its political leadership (see annex 2), its voluntary disarmament process came to an end, and FARDC launched new military operations against it. The operations forced many FDLR units to temporarily abandon long-held positions and disrupted some of their revenue streams. However, the movement's top-level leadership, troop strength and overall military capacity remained largely intact as at August 2015.

Voluntary disarmament process

23. The Group previously reported on the beginning of the voluntary disarmament process of FDLR that allegedly sought to bring about political dialogue between FDLR and the Government of Rwanda (see S/2014/428, paras. 44-48, and S/2015/19, paras. 49-55). Two additional disarmament ceremonies were conducted in December 2014, just before the deadline of 2 January 2015 given by the International Conference on the Great Lakes Region and the Southern African Development Community for the full disarmament of the group (see annex 3). The Government of the Democratic Republic of the Congo considered the total of 339 combatants and 253 weapons turned over by FDLR between May and December 2014 to be inadequate and therefore launched its military operations.

24. While the 339 combatants were disarmed, they were not demobilized; they thus continue to remain a part of FDLR, taking orders from its leadership. Attempts to encourage their voluntary repatriation to Rwanda have been largely unsuccessful, even after officers and perceived "spoilers" were separated from the rest of the FDLR group in June 2015. As at 21 August 2015, there remained 307 ex-combatants and 1,030 dependants in the MONUSCO transit camps in Walungu, South Kivu, and Kanyabayonga, North Kivu, and in the FARDC military camp in Kisangani, Tshopo Province.[4] It is unclear how the Government of the Democratic Republic of the Congo will deal with the disarmed combatants and their dependants as long as they continue to refuse repatriation to Rwanda (see annexes 4 and 5).

[3] Unless otherwise noted, "FDLR" in the present report refers to FDLR-Forces combattantes Abacunguzi.

[4] Walungu: 48 combatants and 158 dependants; Kanyabayonga: 67 combatants and 269 dependants; Kisangani: 192 combatants and 603 dependants.

25. The Group believes that the failure of the voluntary disarmament process was inevitable. From the beginning, FDLR presented it as a negotiated disarmament that would proceed only if the Rwandan authorities agreed to negotiations that would result in a power-sharing agreement (see S/2014/428, para. 44, and annex 12 thereto). Senior FDLR officers told the Group that they expected Western Governments and the Southern African Development Community to pressure the Government of Rwanda to engage in an inter-Rwandan dialogue. The Rwandan authorities, on the other hand, at no point announced their readiness for, or involvement in, such a process. The Group is aware that, on several occasions, Rwandan officials called negotiations with FDLR nonsensical and a ruse to prevent military operations against the group.

Sukola II operations

26. On 28 January 2015, FARDC announced the launch of the Sukola II military operations aimed at neutralizing FDLR in the eastern Democratic Republic of the Congo, focusing on the provinces of North Kivu, South Kivu and Tanganyika.[5] While the original operational planning was undertaken with the assumption of full support from MONUSCO, the military collaboration between FARDC and MONUSCO was suspended following the appointment of two generals (Brigadier General Bruno Mandevu to head the Sukola II operations and Brigadier General Fall Sikabwe to command the 34th Military Region of North Kivu), both of whom MONUSCO had criticized as having poor human rights records. The Sukola II operations have therefore been carried out solely by FARDC, with no direct support from MONUSCO. As at the time of writing of the present report, the operations were continuing.

Effect of the Sukola II operations on positions of the Forces démocratiques de libération du Rwanda

27. FARDC succeeded in pushing FDLR out of many of its known bases without causing many casualties on either side. According to three FDLR officers and eight FDLR combatants, the standing orders were to abandon their positions rather than fight. Five FDLR combatants told the Group that they knew when to abandon their camps because they had received warnings from FARDC elements before the camps were attacked.

28. In South Kivu, FDLR initially moved west from positions in the highlands of Uvira territory and south from positions in Mwenga territory, congregating in the Itombwe and Hewa Bora forests in southern Mwenga near the border with Fizi territory. The FDLR South Kivu sector lost all its major positions, including its sector headquarters in Kadashomwa, Mwenga; its first subsector headquarters in Mulenge, Uvira, led by sanctioned individual "Colonel" Felicien Nsanybukire (also known as Fred Irakiza); and its second subsector headquarters in Mugutu, Mwenga. As at September 2015, FDLR had been able to slowly return to some of those areas, including in the Uvira highlands and northern Mwenga, although most units remained mobile. Five FARDC officers involved in the Sukola II operations told the Group that the return of FDLR to those areas was made possible by the fact that FARDC lacked the troop strength to sustain the operations.

[5] Formerly Tanganyika district in Katanga Province.

29. FDLR was forced to abandon some important positions in North Kivu. The sector commander and sanctioned individual, "Brigadier General" Pacifique Ntawunguka (also known as Omega Israel), moved his sector headquarters from Chahi, Rutshuru, to "Camp Paris" in the Virunga National Park, south-west of Tongo, Rutshuru, after the fighting in late February 2015. The FDLR commander and sanctioned individual, "Lieutenant General" Sylvestre Mudacumura, moved with his command and protection subsector units from Nganga, Walikale, to Rushihe, Walikale, before the operations began. Twelve other FDLR combatants told the Group that they had been forced to change locations since January 2015 owing to the operations. While very little operational activity was observed against FDLR in May and June 2015, FARDC launched new attacks in North Kivu in July and August 2015 and was threatening FDLR high command positions in eastern Walikale territory.

Casualties and prisoners

30. FARDC reported that, between 2 January and 24 August 2015, its forces had killed 35 FDLR combatants[6] and captured or accepted the surrender of 313 others, who were then sent to a military prison in Angenga, Mongala Province.[7] In August 2015, however, the Group was able to verify the presence of only 175 of the alleged FDLR detainees at that prison. The prison authorities explained that 177 individuals had arrived, but that 2 had died before the visit.[8]

31. According to the FARDC prisoner transfer lists, the 177 included only 14 officers (3 majors, 5 captains, 4 lieutenants and 2 second lieutenants). In interviews with the Group, seven of the alleged FDLR officers claimed either to not be officers or to not be in the FDLR at all. Even if all 14 were indeed FDLR officers, the Sukola II operations have to date failed to capture any of the several dozen senior officers (with the rank of lieutenant colonel or above) in the FDLR hierarchy.[9]

32. Of the 175 alleged FDLR combatants, 86 told the Group that they were civilians. While the Group was unable to verify the veracity of each of those claims, local leaders confirmed the accuracy of some of them. Three civil society members and a local leader from Kilembwe, Fizi, told the Group that many of the prisoners arrested in Kilembwe were civilians. They explained that the Commander of the FARDC 3303 Regiment, Colonel Ringo Heshima, had invited all the Rwandan refugees from the area to a meeting in Kilembwe, at which point he had arrested them and sent them to Bukavu as FDLR "combatants". The Group requested clarification from the Government of the Democratic Republic of the Congo, but had received no reply as at the time of writing of the present report.

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[6] The number of combatants killed in action could not be verified by the Group.

[7] Tanganyika: zero killed in action and 12 captured or surrendered; South Kivu: 13 killed in action and 111 captured or surrendered; North Kivu: 22 killed in action and 190 captured or surrendered.

[8] According to the MONUSCO disarmament, demobilization, repatriation, reinsertion and reintegration team, an additional 13 FDLR combatants were repatriated to Rwanda between the beginning of the operations and 13 September 2015. This brings the total number of verified Sukola II captures to 190.

[9] An FDLR lieutenant colonel was captured in December 2014 before the military operations began.

Income-generating activities of the Forces démocratiques de libération du Rwanda

33. The Sukola II operations temporarily affected some FDLR revenue streams, disrupting established agricultural activities, the production of charcoal and timber, mining, taxation systems and other small business operations in some areas. This was a consequence both of being forced out of long-held positions and of the disruption of former business relationships with FARDC elements.

34. In other areas, however, the income-generating activities continued, and looting increased to compensate for some of the lost revenue. In general, FDLR continues to profit from the illegal taxation of villages and roads under its control, the exploitation of gold, the sale of timber products, including planks and charcoal, and the looting of vehicles.

C. Forces de résistance patriotiques en Ituri

35. The Forces de résistance patriotiques en Ituri (FRPI), one of the oldest armed groups still active in the eastern Democratic Republic of the Congo, remains a security threat. The group has committed serious human rights violations, mainly looting and rape, and continues to include children in its ranks.

36. Following the year-long FARDC Operation Safisha that began in August 2013, there were two attempts to disarm FRPI, first from November 2014 to January 2015, and again in June 2015. Both failed and were followed by FARDC operations supported by MONUSCO, which scattered FRPI throughout the Walendu-Bindi area in the south of Irumu territory, Ituri Province.

Numbers and structure of the Forces de résistance patriotiques en Ituri

37. The strength of FRPI has been a subject of debate since November 2014, when the FRPI leader, "General" Justin Banaloki (also known as Cobra Matata), claimed that he was bringing 812 combatants and 249 dependants to Kabona (9 km south of Aveba), and then to Aveba, in order to negotiate their surrender.[10] However, MONUSCO counted only 392 combatants gathered in Aveba for the second negotiation, held in May and June 2015. Three FRPI ex-combatants told the Group that, during that second negotiation, an additional 70 to 150 FRPI combatants remained in the Seneka area (20 km east of Gety), apart from the negotiations. Overall, the Group estimates the strength of FRPI in June 2015 at between 400 and 600 elements, equipped with around one weapon per two combatants and half a magazine of ammunition (15 rounds) per weapon. MONUSCO observed a similar ratio of weapons to combatants in Aveba during the second disarmament negotiations.

38. As at August 2015, FRPI appeared to be scattered in small groups of combatants throughout most of Walendu-Bindi. All FRPI ex-combatants interviewed by the Group were able to describe a clear command and control structure (see annex 6). Since the arrest of Cobra Matata in January 2015, FRPI has been led by "Colonel" Adirodu Mbadhu and his five staff officers (see annex 7). Overall, FRPI has nine senior officers with the rank of colonel, and combatants are divided into three brigades, each with two battalions.

[10] Cobra Matata told the Group that he was ready to demobilize with 3,555 elements.

39. Although FRPI has no official political representation, two community leaders and four FRPI ex-combatants told the Group that several civilian leaders were embedded in the group. Most of them are remnants of the Cooperative de développement du Congo, created by Bernard Kakado, who was considered a founding father of FRPI. The same sources told the Group that, since Kakado's death in Bunia in 2011, Kato Tsandidhu had been the spiritual leader of FRPI.

Failure of integration processes

40. Negotiations between the Government of the Democratic Republic of the Congo and FRPI included terms unprecedented since the integration of the Congrès national pour la défense du peuple in 2009. Between November 2014 and January 2015, the parties discussed the possibility of amnesty for all FRPI elements, the integration into FARDC with retention of ranks for officers and the provision of food and logistical support by FARDC (see annex 8). In June 2015, additional terms were discussed, including one-time payments of $2,000 for officers (ranks of major and higher), $100 for all other elements and a promise of deployment in their home area of Walendu-Bindi after formal integration into FARDC. However, both attempts at integration failed. In January 2015, this was the result of the arrest of Cobra Matata. In June 2015, the integration attempt stalled following the failure of FRPI to deliver 30 AK-47 guns to the Congolese authorities as a sign of good faith.

41. Each side's motivations for engaging in and subsequently breaking off from the talks remain unclear. The Group noted that the Government of the Democratic Republic of the Congo had sent a high-profile delegation to participate in the negotiations. Four senior FARDC officers told the Group that the Government had never genuinely intended to integrate FRPI into FARDC, describing the integration proposal as a ruse to facilitate the dismantling of the armed group. A senior officer of MONUSCO explained to the Group that, being conducted at the same time as the strategic dialogue with MONUSCO (see S/2015/486, paras. 28-33), the Government had seen the successful disarmament of FRPI as a political opportunity to demonstrate to the international community that maintaining stability in the eastern Democratic Republic of the Congo was a law-and-order issue rather than a military one.

42. On the FRPI side, two local community leaders told the Group that the negotiations had allowed competing officers to establish who had control of the most troops, as well as allowing for an exact headcount of the troop numbers. FRPI ex-combatants and local officials told the Group that there were significant rifts between the current FRPI leader, "Colonel" Mbadu Adirodu, and other senior officers, such as "Colonel" Kakado Yambi and "Colonel" David Adjitsu. Another immediate incentive for the armed group was the provision of food by the Government to FRPI members during the negotiation process.

43. In both negotiations, the process followed a similar pattern: FRPI gathered its members in Aveba, the negotiations failed and FARDC subsequently carried out military operations against the armed group with the support of MONUSCO. On 15 January 2015, following the failure of the first negotiations, FARDC attacked and occupied two FRPI positions in Aveba. Supported by MONUSCO mortar fire, the attack killed 21 FRPI elements. On 3 June, when it became obvious that the second negotiations had failed, FARDC again attacked FRPI positions in Aveba. According to FARDC, the offensive, which was supported by MONUSCO attack

helicopters, killed 34 FRPI elements and injured 46.[11] According to MONUSCO, between 15 January and 15 September 2015, 65 FRPI combatants were killed and 201 surrendered, and 44 weapons were seized.

Human rights violations

44. Following the failure of the negotiations and the subsequent FARDC operations, FRPI elements scattered in small groups of 15 to 20 combatants throughout Walendu-Bindi. Between January and August 2015, MONUSCO confirmed a total of 229 serious human rights violations attributed to FRPI in Walendu-Bindi. These were mainly incidents of looting and extortion (100 cases), but also included the killing of 20 civilians and the rape of 84 people. During the reporting period, FRPI elements relied on looting for their day-to-day needs because their taxation systems were in disarray. Eight ex-FRPI elements and an ex-FRPI dependant told the Group that the looting was organized at the battalion level for daily food and other supplies. Three FRPI ex-combatants told the Group that they had joined FRPI to prevent their communities from being pillaged.

Weapons and supplies

45. The Group investigated the quantity and quality of the FRPI weaponry and ammunition, as well as its origin. The weaponry observed and photographed by MONUSCO in Aveba in June 2015 included 180 Kalashnikov variants, 19 light machine guns, 11 RPG-7s and 3 60-mm mortars (see annex 9). Many of the FRPI elements also wear FARDC uniforms, which makes it difficult to differentiate them from FARDC.[12]

46. While ex-combatants told the Group that they had recovered weapons in combat operations, two admitted that they had purchased weapons from FARDC elements. A senior FARDC officer who had been stationed in Ituri until 2014 told the Group that on numerous occasions he had arrested troops under his command for selling or giving weapons, ammunition and/or uniforms to FRPI. Another senior FARDC officer and two FARDC judges confirmed those facts. None of the sources was willing to provide the Group with names or additional details.

47. The Group completed the initial tracing of 13 weapons collected from FRPI since June 2015 (see annex 10). The weapons were produced in six countries, but none was produced later than 2000.[13] The Group verified that all were serviceable. Additional weapons recovered from FRPI troops were transferred to MONUSCO and then to FARDC. Unfortunately, neither organization had recorded sufficient information on the weapons for a tracing exercise. The Group also analysed 108 rounds of ammunition from the same period. There were 16 types, 5 of which the FARDC identified as also being present in its stocks (see annex 11). The five recognized types made up 37 per cent of the total rounds analysed (40 of 108 rounds). The vast majority (106 of 108 rounds) was produced in China.

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[11] The Group was unable to verify the figures.

[12] MONUSCO distributed pieces of orange clothing to FARDC to differentiate the soldiers from FRPI members.

[13] Three were produced in China, one in Egypt, one in the Democratic People's Republic of Korea, two in Romania, two in the Russian Federation and four in the former Yugoslavia.

48. The Group believes that, while FRPI has insufficient ammunition for sustained operations, its number of light and medium weapons represent a continued threat to the stability of southern Irumu territory.

III. Natural resources

49. The Group's investigations confirm that armed groups and FARDC officers remain involved in the exploitation and trade of natural resources. The Group conducted case studies on timber, gold and the "3T" minerals (tin, tantalum and tungsten). The Group concludes that gold-mining activities in Misisi in Fizi territory, as well as gold and cassiterite exploitation in Shabunda territory, are non-compliant with Congolese Ministerial Decree No. 0057 of 29 February 2012,[14] which requires, among other things, that all minerals be extracted from validated sites.

50. The Group's case studies outlined below are just an illustration of the involvement of armed groups and criminal networks in the exploitation of natural resources in the eastern Democratic Republic of the Congo. Detailed accounts of this involvement were shared with the Group in interviews conducted with ex-combatants from FRPI, Raia Mutomboki, FDLR, Nduma Defence of Congo, Nyatura, the Union des patriotes congolais pour la paix and Mai Mai Kifuafua. The participation of armed groups in the exploitation and trafficking of gold was mentioned by almost all the interviewees. The Group will report on some of the cases in its final report.

A. Tin, tantalum and tungsten

Cassiterite

51. In its final report for 2014, the Group documented the illegal taxation of cassiterite production by the Raia Mutomboki faction led by "General" Paul Kikuni Sabikugi (also known as Juriste) at Tchonka airport in Shabunda territory (see S/2015/19, paras. 183-189). Kikuni himself confirmed the accuracy of the analysis to the Group in June 2015. The Group continued its investigation during its current mandate and found that the illegal taxation was continuing, but in another form.

52. A senior FARDC officer, a MONUSCO officer, two civil society leaders and a Raia Mutomboki leader from another faction told the Group that Kikuni had surrendered in December 2014 mainly because he was isolated and physically threatened owing to his inequitable sharing of the revenue obtained from the taxation of cassiterite and other goods. According to the same sources, those who pushed him out of the group were expecting to take over those income streams.

53. When Kikuni surrendered, his Raia Mutomboki faction gave up control of Tchonka airport to FARDC, but continued its taxation at the mining sites. Two businesspeople and an employee of a Congolese mining agency in Lulingu told the Group that buyers had to pay 350 Congolese francs ($0.36) per kg of cassiterite to Raia Mutomboki representatives stationed at the checkpoints near the mines. The

[14] The decree is the result of the adherence by the Democratic Republic of the Congo to the International Conference on the Great Lakes Region Regional Certification Mechanism.

buyers were usually brokers who sell minerals to *négociants*[15] based in Lulingu or Tchonka, who then transport the cassiterite to Bukavu.

54. The Group reviewed the manifests of the aircraft that left Tchonka airport from November 2014 to May 2015. They showed that 126,228.5 kg of the cassiterite sourced from areas under Raia Mutomboki control had been flown to Kavumu airport, near Bukavu. There were no commercial flights from Tchonka in June 2015 owing to the fighting between FARDC and Raia Mutomboki, but the flights and cassiterite exports began again in mid-July 2015 as the security situation improved. The manifests indicate BBC, Mango, Swala, Busy Bee and Malu as the companies transporting the minerals to Bukavu on behalf of 12 agencies (see annex 12).

55. The Group estimates that Raia Mutomboki factions in the area collected more than $40,000 from cassiterite taxation in the timespan mentioned above, which represents a considerable income and a serious disincentive for disarmament by the armed group.

Smuggling of 3T minerals from Bukavu to Rwanda

56. The Group received information that 3T minerals continue to be smuggled from the eastern Democratic Republic of the Congo across the border to Rwanda. This is consistent with the Group's findings in previous reports over the past few years (see, e.g., S/2012/843, paras. 163-177; S/2014/42, para. 204; and S/2015/19, para. 172). During the current mandate, the Group investigated the export of cassiterite from Lulingu and Bukavu.

57. A businessperson from Lulingu and two others involved in mining activities in Bukavu informed the Group that cassiterite and other 3T minerals originating from Lulingu and other areas of South Kivu Province were transported across Lake Kivu and the Ruzizi River to Rwanda. In June and July 2015, the Group visited three alleged departure points (Ruzizi 2, Ruzizi 3 and Muhumba) for this smuggling route to Rwanda and interviewed boatmen and government agents of the Democratic Republic of the Congo. They told the Group that smuggling usually happened at night. Three boatmen informed the Group that they had recently transported bags of 3T minerals from these Bukavu locations to a house on the Rwandan side. The Group obtained the names of Congolese nationals who allegedly facilitate the smuggling of these minerals and will investigate their activities.

58. The Group also investigated an attempt to smuggle 77 bags with a total of 4,425 kg of coltan during the night of 2/3 March 2015, using the Bukavu road to the Ruzizi River. The attempt led to an exchange of small arms fire between FARDC elements and the South Kivu provincial anti-smuggling unit. The Group reviewed documents from the arraignment hearing and interviewed most of the people present during the attempt, but was at that stage unable to confirm which party had facilitated the smuggling.

Continuing sale of tags on the black market in Rwanda

59. In June, July and August 2015, the Group documented the sale of 12 mineral tracing tags and the associated paperwork on the black market from three Rwandan

[15] *Négociants* are the only people legally allowed to purchase minerals from the miners and then sell them to approved *comptoirs*, who are the only people legally allowed to export those minerals across a border.

companies: RF and GM, Africa Multibusiness Line and Société minière du Kanama (SOMIKA). The documentation included tags, copies of mine site logbooks, ministerial orders attributing mineral research licences to the companies and administrative documents allowing employees to transport the minerals. The Group is publishing only parts of the documents in order to protect its sources (see annexes 13-15).

60. As in the case of Kamico documented in 2014 (see S/2015/19, paras. 173-179), the three companies sold the tags on the black market in Rwanda. This fraudulent act was facilitated by three tagging agents of the Geology and Mines Department of the Rwandan Ministry of Mines, who signed the mine site logbooks. On 7 July 2015, ITRI[16] wrote to the Group to explain that the officials from the Department were responsible for the tags and their use. The Group notes that in these cases the officials did not follow regulations.

61. In response to the Group's inquiry with regard to Africa Multibusiness Line, ITRI confirmed that the company's mine sites were part of the ITRI Tin Supply Chain Initiative and that tags had been issued to the company between 29 January and 30 April 2015. It also informed the Group that the company "is on the due diligence list since there appear to be discrepancies in production and mineral [sic] appears to still be in circulation in Rwanda".[17]

62. In a communication to the Group dated 23 September 2015, the Government of Rwanda shared the list of companies producing 3T minerals. The names of RF and GM, as well as SOMIKA, were included. The Group is unable to confirm that the companies sold 3T minerals in 2015, but notes with concern that their tags can be used to introduce the minerals from areas controlled by armed groups in the eastern Democratic Republic of the Congo into the international market, in violation of the sanctions regime (see Security Council resolution 2198 (2015), para. 5 (g)).

63. In reaction to the Group's previous findings regarding the sale of tags in 2014, the Government of Rwanda provided the Group with a report of its investigation into the matter. That report explained that the Rwandan authorities had not sanctioned the cooperative Kamico for two reasons: its manager had denied the accusation and the cooperative had assured the Government that all tags had been registered in the mining site logbooks.

64. As a follow-up, in June 2015, the Group wrote a letter and made an official visit to Rwanda to discuss further the findings of the authorities' investigation. Given that the Group retains the physical evidence provided by the tags and all the paperwork (including a copy of the mine site logbook), neither Kamico nor the mining authority could claim to have found those tags in the supply chain.

65. Following those exchanges, a senior official from the Rwandan Ministry of Natural Resources told the Group in an e-mail in August 2015 that the licence of Kamico had been suspended for 30 days. As requested by the Government of Rwanda, the Group confirmed its willingness to provide the evidence that it had

[16] ITRI is a tin industry association that leads the implementation of the joint industry due diligence programme, the ITRI Tin Supply Chain Initiative, in the Democratic Republic of the Congo and neighbouring countries.

[17] According to ITRI, the due diligence list is issued on a monthly basis by the ITRI Tin Supply Chain Initiative and provides the names of companies whose sites may need a higher level of attention or evaluation by buyers.

collected on the illegal sale of the tags in order to facilitate the prosecution of those responsible.

66. The Group acknowledges the positive action taken by the Government of Rwanda and ITRI. It notes that the cooperative Kamico was included on the ITRI due diligence list. The Group believes that the inclusion of Kamico in the list explains why many *comptoirs* in Kigali have now excluded the cooperative from their list of suppliers.

67. Nevertheless, as shown by the Group's current investigations, the Kamico case is not isolated. The Group strongly believes that only prosecution by the Rwandan authorities will discourage the sale of tags on the black market, which can facilitate the introduction of smuggled and conflict minerals into the international market.

B. Gold

Taxation of gold by Raia Mutomboki on the Ulindi River

68. During the reporting period, the Group found that two Raia Mutomboki factions were profiting from the illegal taxation and control of gold exploitation on the Ulindi River in Shabunda territory.[18] This is consistent with the previous findings of the Group (see S/2014/42, para. 168, and S/2015/19, paras. 192-194).

69. Three dredge owners, a broker, the head of a government tax agency in Shabunda, a senior adviser of "General" Kabe and a former Raia Mutomboki commander confirmed to the Group that the two Raia Mutomboki factions[19] were involved in the taxation of the dredges, as well as of individuals involved in gold exploitation.

70. According to the above-mentioned sources, Raia Mutomboki established checkpoints on the river leading to the gold exploitation area. In July 2015, five "official" checkpoints were mentioned to the Group, where each boat passenger was obliged to pay 1,000 Congolese francs ($1.06). In addition, groups of Raia Mutomboki combatants occasionally set up ad hoc checkpoints along the same route.

71. The three dredge owners informed the Group that they paid each of the two factions a monthly fee of $500, in addition to a one-time fee of $500 for the installation of a dredge, and $500 whenever they moved to a new area. The taxes were paid in either cash or gold. They also told the Group that the armed groups occasionally requested additional taxes, but the Group was unable to confirm that those taxes were collected consistently. The Group reviewed the financial ledgers of another dredge owner, which showed his records of having paid taxes to two Raia Mutomboki leaders, Cynthia and Kimusi[20] (see annex 16). The Group was also informed that Raia Mutomboki elements were robbing dredge owners. One of the owners told the Group that, in one instance, on 24 July 2015, Kabe's faction had attacked his boat and stolen 25 g of gold (at current prices, a value of approximately $1,000).

[18] In Shabunda, dredges are sourcing alluvial gold. The exploitation is mobile, following gold availability. During the Group's visits in July and August 2015, the exploitation was taking place at the upstream section of the river.

[19] One faction is led by "General" Kabe — who replaced "General" Sisawa — and is based in Tchombi, controlling the north side of the Ulindi River. The second faction is led by "General" Kimba and is based in Kazozola, controlling the south side of the river.

[20] Cynthia is from the Kabe faction, and Kimusi is a "colonel" in the Kimba faction.

72. The number of dredges has increased since the Group's visit in October 2014, when there were an estimated 40 dredges in areas controlled by Raia Mutomboki. In April 2015, the General Directorate for Administrative, Judicial, Property and Share Revenues in Shabunda counted at least 150 dredges along the length of the Ulindi River. A recent civil society report on Shabunda mentioned 171 dredges.[21] The Group notes that not all the dredges are in areas under the control of Raia Mutomboki, given that the armed group does not control the entire river. Based on its interviews, the Group believes that around 50 dredges were still operating in areas controlled by Raia Mutomboki in August 2015. The number was higher before that time, but in June 2015 the dredges began to move to the area of the Baliga community, which is controlled by FARDC and where the yields are higher.

73. Two dredge owners and a former mine site manager in an area controlled by Raia Mutomboki told the Group that the gold from the Ulindi River was often traded locally for goods rather than being sold. They also added that brokers working for major *négociants* based in Bukavu often came to collect the gold in situ.

Involvement of the Congolese military in the extortion of gold in Misisi, Fizi

74. During its current mandate, the Group has learned that some FARDC officers are involved in the extortion of gold in Misisi in Fizi territory in South Kivu Province.

75. Since its inception in 2011, part of the mandate of the unit for agriculture and natural resources, a unit of FARDC specific to the 33rd Military Region, has been to ensure the demilitarization of natural resource exploitation in South Kivu and Maniema and to prevent the involvement of FARDC elements therein. Six officers from that unit are currently stationed at the gold mining area of Misisi.

76. Four witnesses told the Group that, since February 2014, officers from the unit had regularly extorted gold from mineshaft proprietors through intimidation. Proprietors have been obliged to pay the proceeds of 24 hours' worth of production from their respective mineshafts to certain officers, on average, every three to six months. There are at least 175 mineshafts at Misisi.

77. In 2015, up to the time of writing of the present report, in the specific cases of three mineshafts, with three different proprietors, witnesses told the Group that officers had received between 24 and 60 g of gold per 24-hour period (during the period of the Group's research, the gold price at Misisi was approximately $43/g).[22] During the same period, in the specific cases of the three shafts, one FARDC officer, Lieutenant Bengela Bravo, was cited as having demanded such payments on five occasions at all three shafts. The witnesses told the Group that, on two of those occasions, he had been accompanied by two different officers from the unit. The Group requested clarification of this issue from the Government of the Democratic Republic of the Congo, but had received no reply as at the time of writing of the present report.

[21] Coalition des organisations de la société civile dans la région des Grands Lacs, "La ruée vers l'or à Shabunda", August 2015. See http://cosoc-gl.org/wp-content/uploads/2015/08/15-ao%C3%BBt-2015-COSOC-GL-Etude-finale-sur-lexploitation-de-lor-par-dragues-%C3%A0-Shabunda.pdf.

[22] The weights used by *négociants* to calculate the value of a gram are most often old Zairian coins (makuta), with the consequence that, in the artisanal context of the Democratic Republic of the Congo, a "makuta gram" usually equals 1.3 to 1.45 metric grams.

78. Provincial mining authorities told the Group that they estimated the annual gold production of Misisi at 2 tons. While the Group cannot corroborate that estimate, it can confirm that Misisi is one of the largest artisanal gold sites in the Democratic Republic of the Congo, with thousands of miners. The involvement of FARDC officers and elements in such illegal activities effectively ensures that sites such as Misisi can be validated only with red or yellow mine site flag status, which (according to the legislation of the Democratic Republic of the Congo) makes the minerals produced at such sites ineligible for export.

C. Involvement of the Congolese military in the exploitation of timber

79. During multiple missions in May, June and July 2015, the Group found that FARDC officers deployed for the Sukola I military operations against ADF were involved in the exploitation and sale of timber in Beni territory, mainly in the Kamango and Erengeti areas.

80. Two FARDC elements told the Group that soldiers in their units had been given the option of either fighting armed groups or harvesting timber in the Kamango area for their officers. A third FARDC soldier confirmed that, adding that FARDC elements were also securing and transporting the planks to Beni in vehicles belonging to FARDC officers. In May 2015, the Group witnessed a FARDC jeep transporting planks towards Beni.

81. According to the Group's sources and observations, the planks are transported on civilian trucks from Beni to the Kasindi market near the border with Uganda (see map in annex 17). During the Group's visits to the market in June and July 2015, sources explained that most of the buyers of the planks were from Kenya, Rwanda and Uganda. Five businesspeople at the market told the Group that they had purchased planks from FARDC officers in 2015. One explained that he purchased two truckloads of planks a month (from the Kamango area) for $11,100 per truck from a FARDC lieutenant colonel of the Sukola I operations, including during periods when the exploitation area was under ADF control. One government agent and one FARDC element posted at different checkpoints on the road between Beni and the market gave the Group official documents indicating that civilians and FARDC elements transported planks on the road on behalf of six different FARDC officers. The Deputy Commander of the Sukola I operations, Colonel Dieudonné Muhima, was the most senior of the officers listed. The same sources told the Group that they had witnessed a government agent and a soldier being beaten after attempting to search a truck near the border that was transporting planks belonging to an officer.

82. In a public statement on 7 March 2015, the Commander of the Sukola I operations, Brigadier General Muhindo Akili Mundos, condemned the involvement of FARDC officers in timber exploitation in the area. The Group requested information from the Government of the Democratic Republic of the Congo regarding the business dealings of FARDC officers in Beni territory and the measures that the government authorities had taken to address the problem, but has received no response.

83. The Group believes that the involvement of officers of the Sukola I operations in the timber trade contributed to the poor military response by FARDC to the security threats in Beni territory (see below).

IV. Violations of international humanitarian law

A. Killings in the Beni area

84. The Group continued its investigation begun during the previous mandate (see S/2015/19, paras. 41-45) into the killing of civilians in the Beni area, in North Kivu Province. The killings were mostly committed with machetes or similar weapons between October 2014 and June 2015. According to MONUSCO and civil society sources who investigated the killings, at least 350 killings were committed during that period in at least 50 separate incidents. The victims included women and children.

Alleged perpetrators of the killings

85. As mentioned in paragraph 9 above, given the limited number of ADF combatants and dependants who escaped or were captured by FARDC since the killings began, there are few sources who would be in a position to identify the perpetrators.[23]

86. In addition, as at the time of writing of the present report, not a single direct perpetrator of the incidents had been captured. Although it is not possible at this stage to attribute the responsibility for the killings to a sole armed group, the Group determined that, in at least some cases, ADF was responsible. Its finding was confirmed by an ADF ex-combatant, who was present when a massacre took place, and by a victim who was kidnapped and held prisoner by a group of 20 ADF members for some 40 days,[24] and who witnessed four incidents in which civilians were killed.

87. Both witnesses told the Group that ADF members had killed civilians with machetes. They also said that, on some occasions, ADF members had gone to a village with the primary purpose of killing civilians, not to steal supplies. They also mentioned that children and women were accompanying the armed men, but that they did not participate in the killings. The witnesses said that the ADF members did not carry machetes with them, but would use what they found in or near the villages to kill people. Both witnesses described the attackers as carrying firearms, but said that they did not use them. The witnesses mentioned that some of the men were wearing military uniforms.

88. The first witness told the Group that the current ADF leader, Seka Baluku, had given a new set of instructions to ADF combatants. They included the killing of civilians near population centres in order to divert FARDC elements from their offensive against ADF positions. Another ex-combatant, who was captured shortly before the killings began, told the Group that ADF leaders were saying that they needed to retaliate against civilians because they were providing information to FARDC about ADF positions.

89. The second witness saw ADF members killing civilians on four occasions. He told the Group that they had avoided killing children, which is consistent with

[23] Interviews with ADF ex-combatants would be useful to confirm or refute ADF involvement in the massacres.

[24] The witness was also able to identify three members of ADF who are known to the Group.

statements made by former ADF combatants and the previous findings of the Group (see S/2015/19, para. 43).

90. The evidence provided by the two witnesses above refers to five separate incidents. The Group also conducted more than 30 interviews with witnesses of 13 other incidents. The vast majority were eyewitnesses and provided information such as the number of attackers, the language or languages spoken by the perpetrators, how they were dressed, how they killed the victims and whether women and children were present. The Group also obtained photographs of massacre victims, as well as statements from medical personnel who confirmed that victims had been treated for wounds that appeared to have been inflicted by machetes. In addition, the Group interviewed members of civil society and journalists who had investigated the killings and had observed the victims in situ at the crime scenes.

91. In 3 of the 13 incidents described above, the Group identified the same characteristics as those mentioned in the confirmed cases of ADF killings, but the Group has insufficient evidence to conclusively attribute the killings to ADF.

92. In the 10 other cases, at least one characteristic described by witnesses was not consistent with those described in the confirmed cases of ADF killings. In terms of language, for example, some witnesses said that the perpetrators spoke Lingala or Kinyarwanda, two languages that ADF members are unlikely to use. In other cases, children participated in the killings or the perpetrators used firearms, both of which do not match the characteristics of the confirmed ADF cases.

Failure of the leadership of the Sukola I operations

93. Brigadier General Muhindo Akili Mundos of FARDC failed to take action to protect civilians as the commander of the Sukola I operations. During his tenure in charge of operations against ADF, not a single individual was captured and brought before the military prosecutor for allegedly being a direct perpetrator of the killings.

94. Already in November 2014, members of the parliament of the Democratic Republic of the Congo presented a report that highlighted a range of issues, including the lack of reaction from FARDC after 80 people had already been massacred (see annex 18).

95. Twelve witnesses told the Group that, immediately after a massacre, they had alerted the closest FARDC position, which was sometimes no further than 1 km away. In each case, the response of FARDC was the same: it was too dangerous, it was dark, the soldiers were ill-equipped or they had insufficient manpower to react. In some of the cases, the following day FARDC troops would go to the location of the killings, but only to confirm that people had been killed.

96. An officer told the Group that he had received clear instructions not to pursue the perpetrators of a massacre. He nevertheless pursued and caught the attackers, who admitted their involvement, but they were never brought before the relevant authority, the military prosecutor of the Democratic Republic of the Congo.

97. The Group notes with concern that the ability of FARDC to respond to threats to civilians may have been limited by its involvement in timber exploitation (see paras. 79-83 above).

Inability of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to protect the civilian population

98. While it is clearly indicated by the Security Council in its resolution 2211 (2015) that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect its population, the resolution also indicates that one of the main responsibilities of MONUSCO is to protect civilians. Considering that the incidents described above occurred repeatedly over a period of eight months, in an area in which there was a substantial presence of peacekeepers, the Group notes with concern the inability of MONUSCO to protect the population during the period of the killings that occurred in the Beni area between October 2014 and June 2015.

B. Children associated with armed groups

99. During the period under review, armed groups continued to recruit and use children in the eastern Democratic Republic of the Congo. According to statistics provided by MONUSCO, 1,399 children (of whom 72 were girls) were separated from armed groups between 1 January and 31 August 2015. This is a significant increase compared with 2014, when 1,030 children (of whom 57 were girls), were separated from armed groups during the entire year.

100. The Group interviewed 40 children who had been separated from armed groups in 2015. Nine had been recruited by Raia Mutomboki, eight by FDLR,[25] eight by FRPI, three by Nyatura, three by ADF, three by the Union des patriotes congolais pour la paix/Forces populaires congolaises, two by Mai Mai Kifuafua and one by Nduma Defence of Congo under the command of a sanctioned individual, Ntabo Ntaberi (also known as Sheka). According to an ADF document, there were 145 children in the Baluku group early in 2015 (see annex 19).

101. Most of the children were forcibly taken, although some admitted to having joined an armed group of their own free will. They became combatants, escorts for the commanders, servants, tax collectors at mining sites or fetish keepers.

102. In the vast majority of cases, the children explained that, even if the leader of the armed group had not directly recruited them, it was impossible for those leaders not to have known that children were part of the group. The children and their commanders would see one another every day or every week.

103. Three children formerly associated with FRPI told the Group that the current FRPI Deputy Chief of Staff, "Colonel" Kakado Yambi, was opposed to children leaving the movement.

104. Most of the children interviewed by the Group, in addition to some adult ex-combatants, confirmed that the armed groups were continuing to recruit children in 2015.

Deterring the use of children by armed groups

105. Between 2008 and 2014, MONUSCO documented the recruitment by armed groups of 9,276 children. Notwithstanding the adoption of a new law in the

[25] At least four of these came from FDLR-Forces combattantes Abacunguzi.

Democratic Republic of the Congo in 2009 criminalizing the recruitment and use of children in armed conflicts (see annex 20), there have not yet been any convictions.

106. One positive development is the indictment in January 2015 by the military prosecutor of the former FRPI leader, Cobra Matata, for crimes, including the recruitment of children (see annex 21).

V. Arms

Stockpile management

107. The Group has previously noted that the lack of a weapons registration system and of secure stockpile management in FARDC makes it difficult to monitor the illegal transfer of weapons to armed groups (see S/2014/42, paras. 128-133, and S/2015/19, paras. 150-154). Given that weapons are not all formally registered or tracked, they can both easily enter FARDC stockpiles after combat operations or during integration processes and be sold or otherwise illegally transferred to armed groups (see para. 46 above).

108. FARDC launched a programme in 2015 to register and mark all its weapons. While the process remains in its initial phases, the logistical command began to deploy teams to some military operation zones to conduct an assessment and to begin to register weapons. FARDC told the Group that it was already conducting initial assessments and launching the process of marking weapons in Ituri. Light weapons would be registered to individuals and support or heavy weapons to military regions and their commanders.

109. The Group notes recent efforts to build or rehabilitate armouries in the Democratic Republic of the Congo and train FARDC personnel in stockpile management. Two recent examples include the new fixed weapons storage facilities in Kisangani (financed by MONUSCO, coordinated by the United Nations Mine Action Service and implemented by the Mine Action Group) and in Bukavu (financed by the Government of Germany and implemented by the Mine Action Group). The Government of Germany has also sponsored a project (not yet completed) to build a weapons storage facility at the FARDC military base in Kitona, which was identified as an urgent priority owing to its use as a training centre and a site for the demobilization or integration of former armed group combatants. On the night of 12/13 March 2015, ex-combatants managed to break into an armoury and gain access to weapons at the camp, given that the armoury in question was actually composed only of standard buildings.

VI. Recommendations

110. The Group makes the recommendation set out below.

Government of the Democratic Republic of the Congo

111. The Group recommends that the Government of the Democratic Republic of the Congo:

(a) Open an independent investigation into the failure of the leadership of the Sukola I operations under the command of Brigadier General Muhindo Akili

Mundos to protect civilians from the killings that occurred in the Beni area between October 2014 and June 2015 (see paras. 84-97 above);

(b) Implement current legislation (Act No. 09/001 of 2009) by indicting those responsible for the recruitment and use of children associated with armed groups, whether they are already imprisoned or still at large (see paras. 105 and 106 above);

(c) Investigate and prosecute the FARDC officers mentioned in the present report who extort gold in Misisi in Fizi territory, and who engaged in the illegal production and trade of timber in Beni territory (see, respectively, paras. 74-78 and 79-83 above);

(d) Enforce existing regulations (Ministerial Decree No. 0057) by stopping air cargo companies and agencies from transporting minerals out of the Lulingu area in Shabunda territory, where Raia Mutomboki factions benefit from its taxation (see para. 49 above);

(e) Ensure the delivery of sufficient funds for the basic subsistence of ex-combatants, whether they are in the process of integration into FARDC, are being demobilized in preparation for civilian life or are being kept in transit or detention facilities (see para. 30 above and annex 5);

(f) Ensure the marking and registration of all FARDC weapons, as well as the security of weapon and ammunition storage (see paras. 107-109 above);

(g) Re-establish and maintain government control of areas taken during military operations to prevent reoccupation by armed groups (see paras. 18 and 27-29 above).

Government of Rwanda

112. The Group recommends that the Government of Rwanda investigate and prosecute, as necessary, the companies involved in the illegal sale of tags and paperwork for tin, tantalum and tungsten in Rwanda (see paras. 59-67 above).

Member States

113. The Group recommends that Member States earmark funds for the United Nations Voluntary Trust Fund for Assistance in Mine Action, with an emphasis on the construction of weapons depots in the eastern Democratic Republic of the Congo, in connection with the proposal of the Chair of the Committee in her remarks to the Security Council on 15 July 2015 (see S/PV.7484 and para. 109 above).

Security Council

114. The Group recommends that the Security Council conduct an independent inquiry into the inability of MONUSCO to protect civilians in Beni territory since October 2014; the inquiry should further determine with what additional support MONUSCO should be provided in order to protect civilians more effectively (see para. 98 above).

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

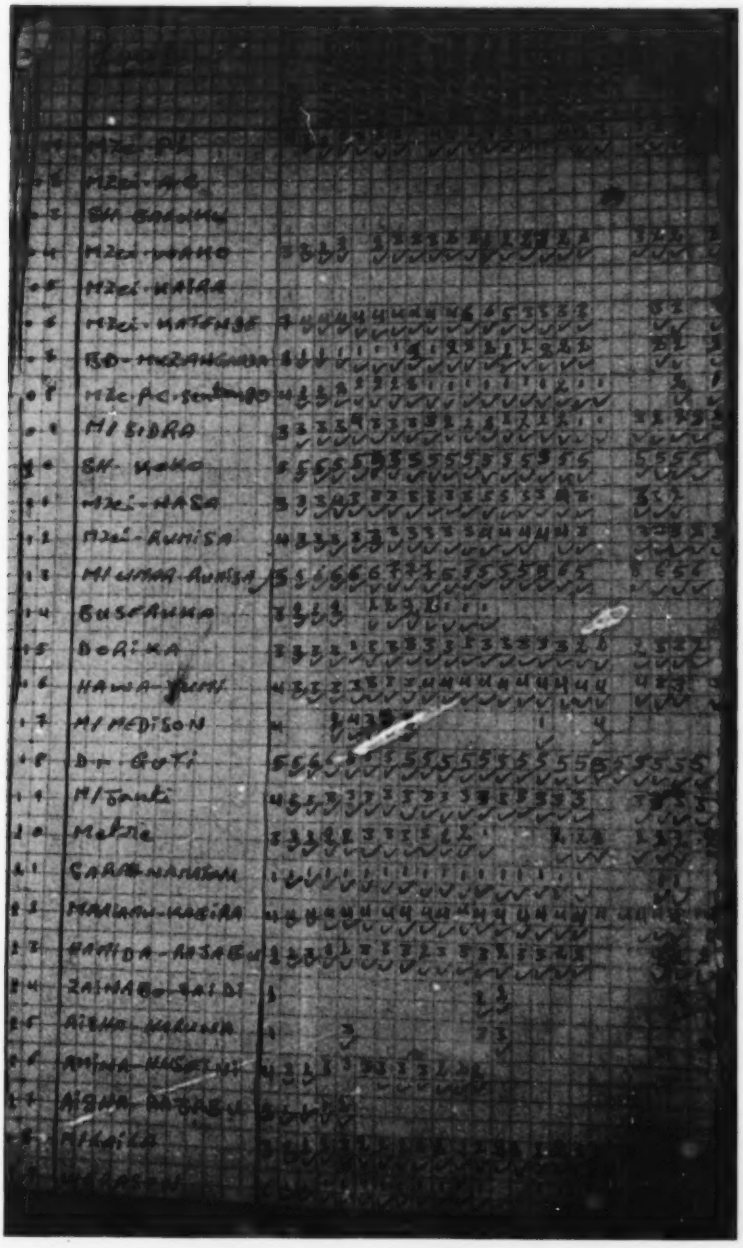
115. The Group recommends that MONUSCO train and raise the awareness of relevant Mission personnel to collect and collate comprehensive information regarding weapons and ammunition to facilitate tracing (see para. 47 above).

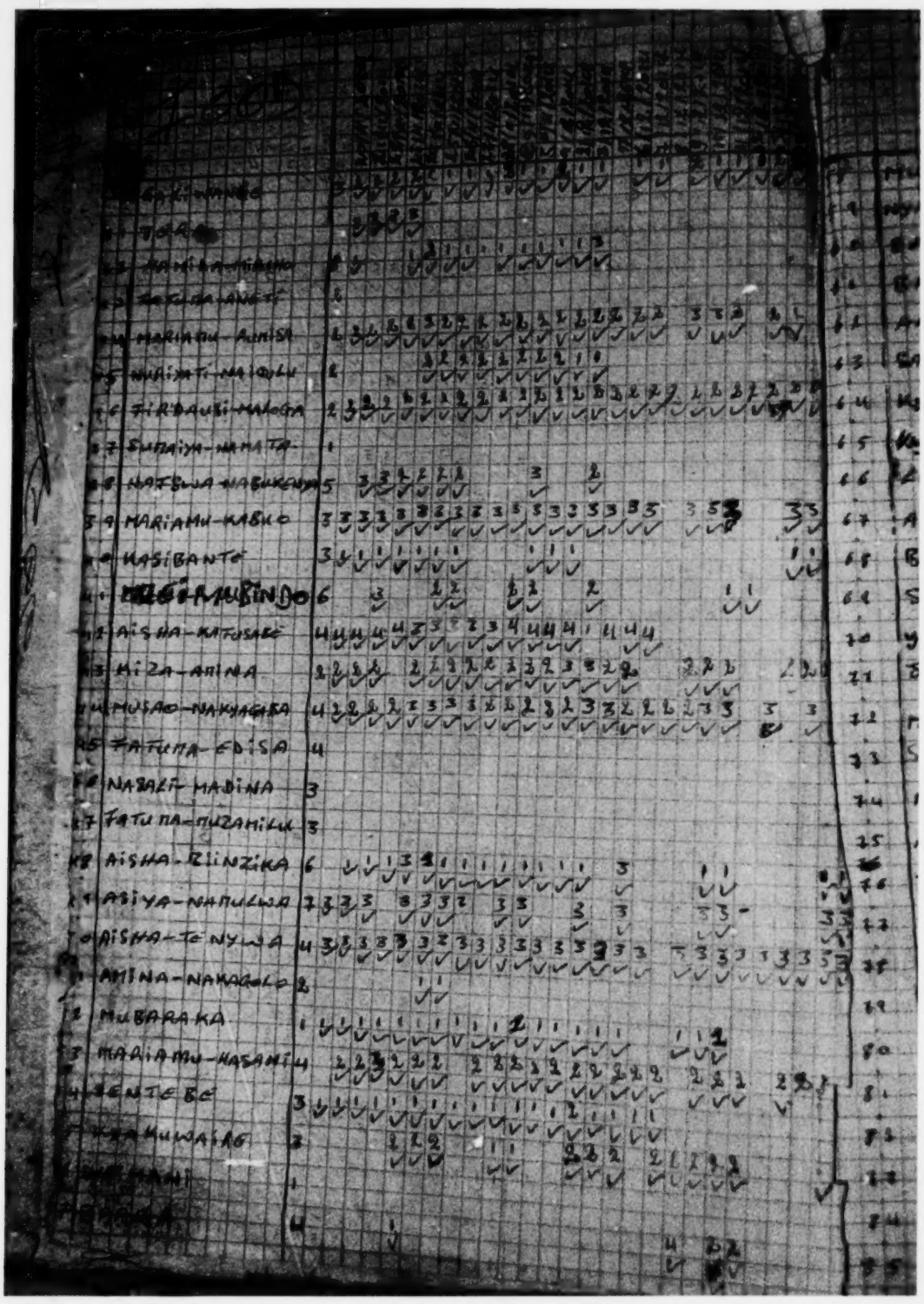
Government of the Democratic Republic of the Congo and United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

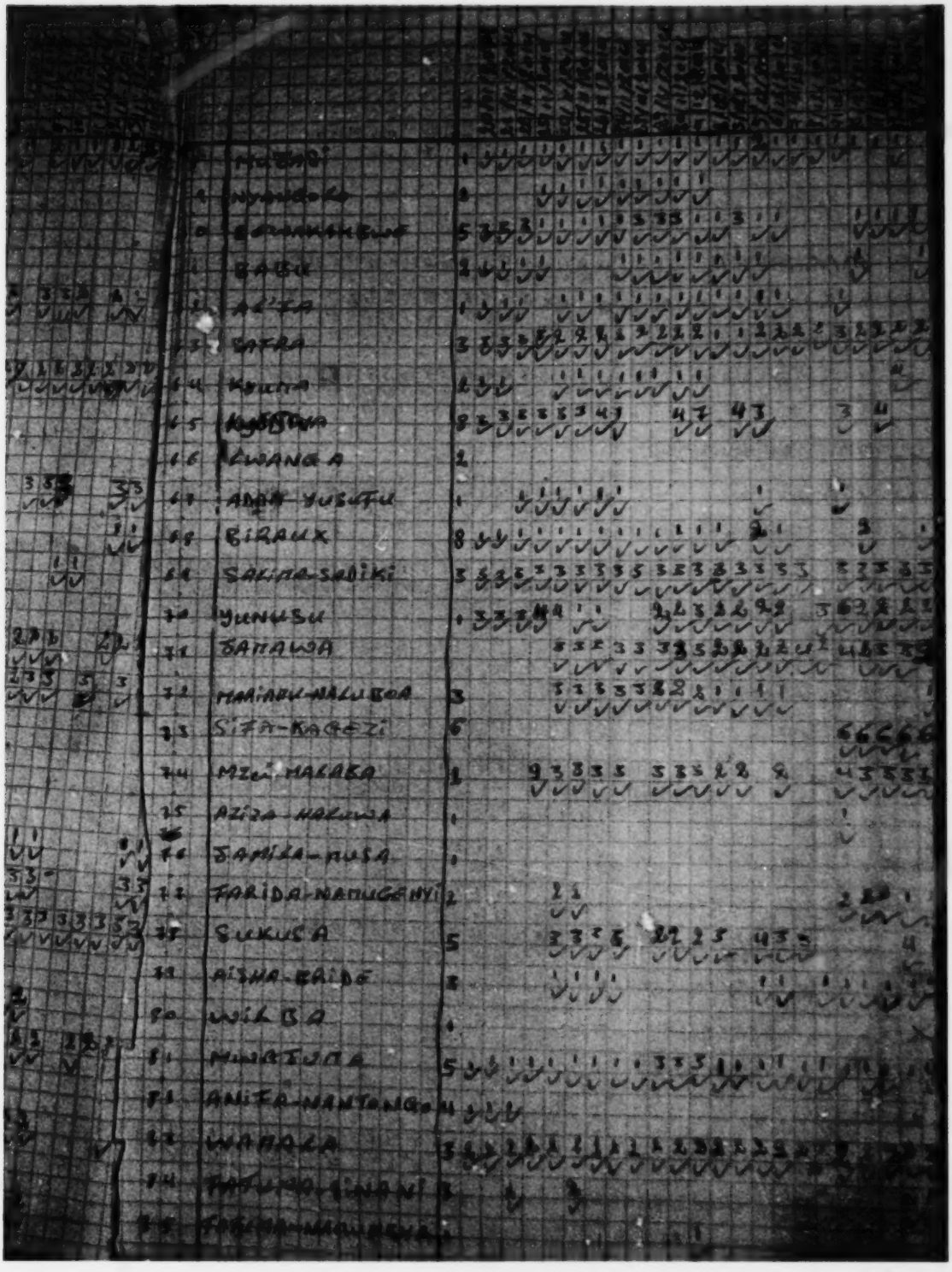
116. The Group recommends that the Democratic Republic of the Congo and MONUSCO accord priority to the needs of the population in the Beni area and resume collaboration in addressing the protection of civilians (see paras. 93-98 above).

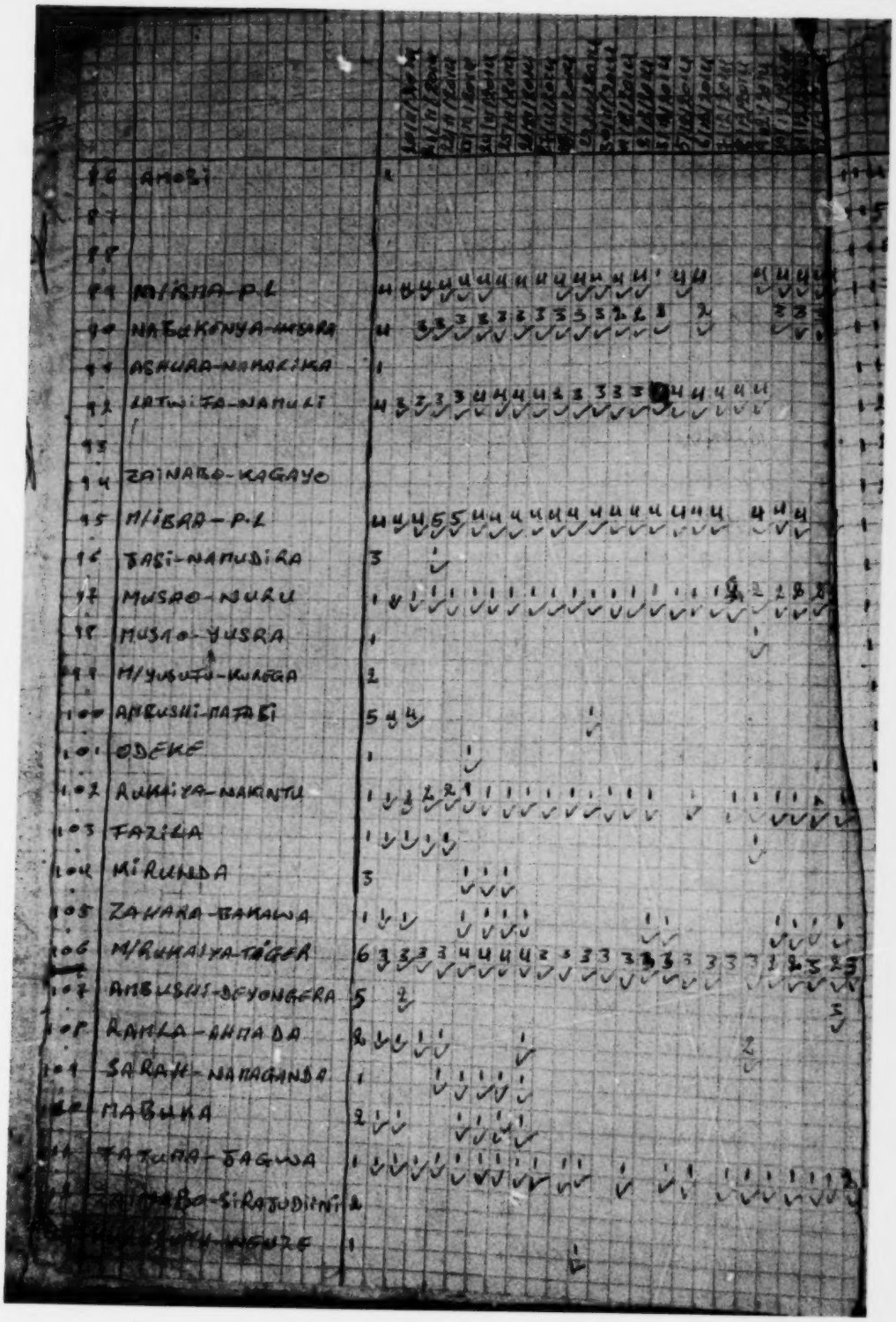
Annex 1: ADF food distribution list

This list comes from a book recovered by the FARDC in an abandoned ADF camp in the area of Bango, North Kivu, in February 2015. A total of 114 names and heads of families, mixing combatants and dependants, is mentioned. Similar lists found in the same book record food distribution up to early January 2015.




MARIAMU-KABUO
HASIBANTE
AISHA-KATUSABE
MIZA-AMINA
MUSAO-NAKYAGABA
FATUMA-EDISA
NABALE MADINA
FATUMA-NUZAMILU
AISHA-KLINZIKA
AMINA-NAKAGOLO
MUBARAKA
MARIAMU-NASANI





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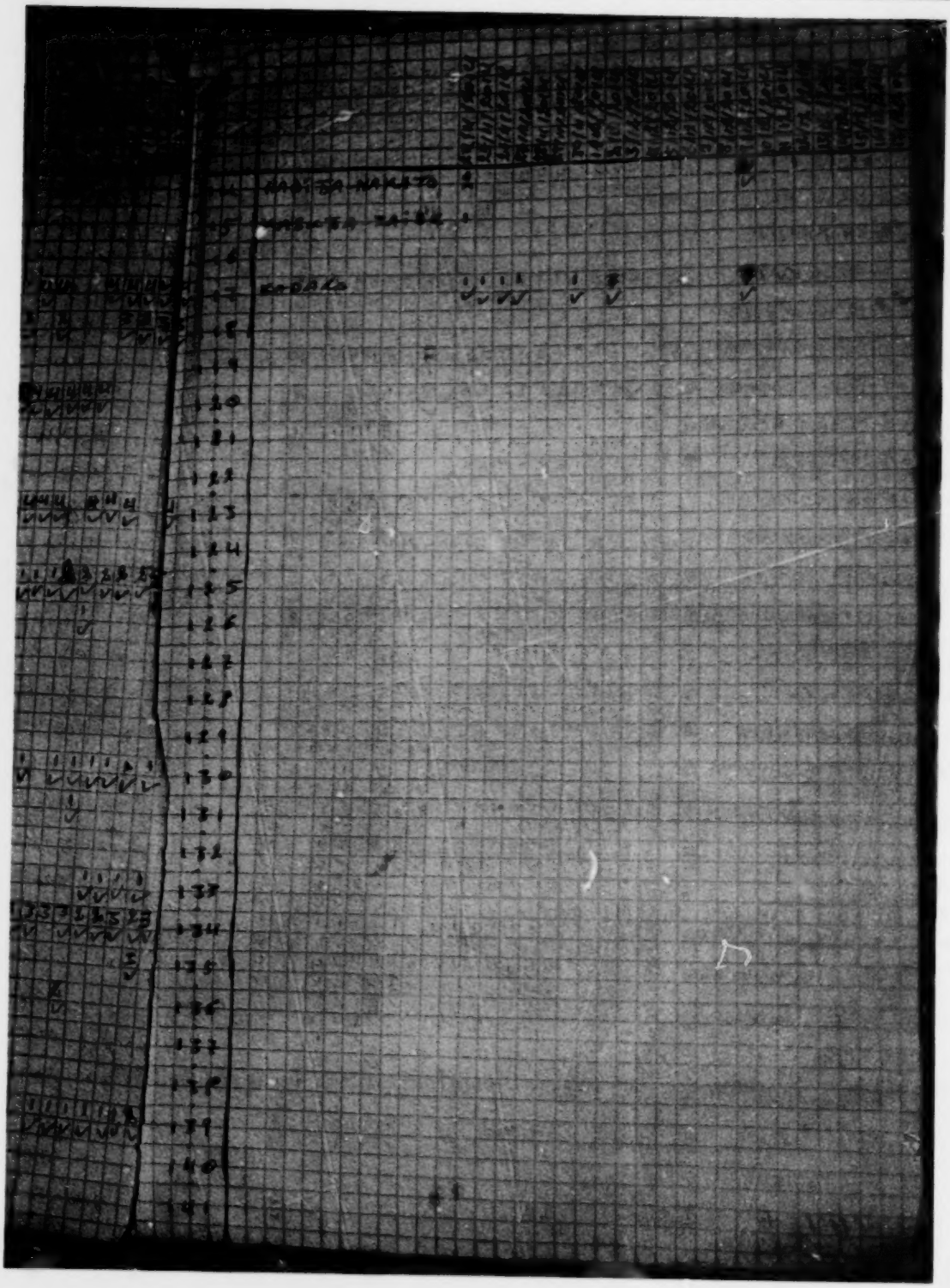
100	NATEKONYA-MSARA	4
101	ASHURA-NAMACIKA	1
102	LATWIFA-NAMULI	4
103		
104	ZAINABO-KAGAYO	
105	MIBAR-P.L	44
106	BASI-NAMUDIRA	3
107	MUSAO-NURU	1
108	MUSIO-YUSRA	1
109	M/YUSUFO-KWAGA	2
110	AMRUSHI-NAFABI	5
101	ODEKE	1
102	AUMIYA-NAKINTU	1
103	FAZILA	1
104	MIRUHEDA	3
105	ZAHARA-BAHALWA	1
106	M/RUHAIYA-TIGER	6
107	AMBUSHI-SEYONGERA	5
108	RAHLA-AHMADA	2
109	SARAH-NATAGANDA	1
110	MABUKA	2
111	FATUMA-BAGUSA	1
	MABA-SIRAJUDINI	2
	MGUZE	1



Annex 2: Changes to FDLR political leadership

A meeting of the FDLR leadership from both North and South Kivu held in November and December of 2014 brought about minor changes in the political leadership. Sanctioned individual Ignace Murwanyashaka retained his position as president, although he is still standing trial in Stuttgart, Germany for war crimes and crimes against humanity, together with former FDLR first vice-president Straton Musoni. Sanctioned individual "Major General" Gaston Rumuli Iyamuremye (aka Victor Byiringiro), remains the first vice-president and interim president. Former interim executive secretary "Colonel" Laurent Ndagijimana (aka Wilson Irategeka) was named second vice-president. Callixte Mbarushimana, another sanctioned individual, who was executive secretary until his arrest on 11 October 2010, was renamed executive secretary, and Eugene Urinqwenimana (aka Emmanuel Kalisa) became the deputy executive secretary. The military leadership under the command of sanctioned individual "Lieutenant General" Sylvestre Mudacumura remained unchanged.

FDLR President (sanctioned individual) Ignace Murwanyashaka *Photo by Reuters*	
FDLR First Vice President (sanctioned individual) "Major General" Gaston Rumuli Iyamuremye aka Victor Byiringiro *Photo by the Group (2014)*	
FDLR Second Vice President "Colonel" Laurent Ndagijimana aka Wilson Irategeka *Photo by the Group (2014)*	
FDLR Executive Secretary (sanctioned individual) Callixte Mbarushimana *Photo by Reuters*	

No picture of Deputy Executive Secretary Eugene Urinqwenimana (aka Emmanuel Kalisa) is available to the Group.

Annex 3: ICGLR-SADC communiqué

SECOND JOINT ICGLR- SADC MINISTERIAL MEETING
2nd JULY 2014

LUANDA, REPUBLIC OF ANGOLA

COMMUNIQUE

1. The Second Joint Ministerial ICGLR/SADC Meeting was held on 2nd July 2014 in Luanda, Angola.

2. In attendance were:

   Ministers of Foreign Affairs and Ministers of Defense from Angola, Botswana, Burundi, Central African Republic, Congo, Democratic Republic of Congo, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Rwanda, South Africa, Republic of South Sudan, Sudan, Tanzania, Uganda, Zambia, Zimbabwe. Also present were, the Representative of the UN, the AU as Observers.

3. The meeting was co-chaired by H.E George Chikoti, Minister of External Relations of the Republic of Angola and Chairperson of the ICGLR Regional Interministerial Committee (RIMC) and Hon. Netumbo Nandi-Ndaitwah, Chairperson of the SADC Ministerial Committee of the Organ (MCO).

4. The meeting considered and adopted the agenda as recommended by the ICGLR/SADC Experts as follows:

   i. Review of the political and security situation in Eastern Democratic Republic of Congo (DRC) regarding the continued repatriation to Rwanda of FDLR for those willing to disarm and return voluntarily; and engage urgently military actions against those unwilling to disarm;

1

NNN

ii. Implementation status of the Nairobi declarations and communique to facilitate and accelerate the repatriation of **ex-M23** elements ;

iii. ADF-NALU and other armed groups

iv. The recent security incidents between DRC and Rwanda

5. The ICGLR/SADC Joint Ministerial Meeting recalled that the Joint ICGLR/SADC Summit held on 4 November 2013 in Pretoria, South Africa, directed the two Secretariats to harmonise and synergize the work of the ICGLR and SADC in the implementation, monitoring and evaluation of the Peace, Security and Cooperation Framework as well as to establish a mechanism of Ministers of Defence and Foreign Affairs and International Cooperation to meet every six months to review the progress leading to a joint ICGLR/SADC Annual Summit of Heads of State and Government.

6. The ICGLR/SADC Joint Ministerial Meeting also emphasized the need to implement the PSC framework including UNSC Resolution 2098 in which all negative forces are to be neutralized to lay down their arms or face military actions if they do not comply with the provisions of the PSC Framework.

7. The ICGLR/SADC Joint Ministerial Meeting noted that following the defeat of M23 and the continued voluntary disarmament and repatriation by the Democratic Forces for the Liberation of Rwanda (FDLR), the political and security situation in the Democratic Republic of Congo (DRC) is relatively calm and stable, especially in the Eastern part of the country.

8. The ICGLR/SADC Joint Ministerial Meeting took note of the decision by FDLR to voluntarily surrender and disarm. MONUSCO and FARDC will engage military actions against those FDLR elements who are unwilling to disarm. The meeting further took note of the detailed information on the status of FDLR provided by the Government of DRC and Government of Rwanda.

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9. The ICGLR/SADC Joint Ministerial Meeting welcomed with appreciation the efforts made by the Government of DRC with regards to amnesty for ex-M23 combatants and encouraged DRC and other stakeholders to speed up the implementation of the Nairobi Declarations signed by DRC Government and ex-M23.

10. The ICGLR/SADC Joint Ministerial Meeting commended the efforts by the DRC Government and MONUSCO in neutralising the ADF-NALU and welcomed the recent addition of ADF-NALU as a whole to the list of entities subject to the United Nations Security Council sanctions measures.

11 The ICGLR/SADC Joint Ministerial Meeting noted the recent security incidents between DRC and Rwanda which took place on 11 June 2014. The meeting also took note of the preliminary report of the Expanded Joint Verification Mechanism (EJVM) and concerns raised by Rwanda and DRC.

12. The ICGLR/SADC Joint Ministerial Meeting made the following recommendations:

(i) Enhance the established mechanism for evaluation and implementation of DDRRR for those willing to disarm and be repatriated to Rwanda involving UN, AU, ICGLR, SADC, Rwanda and DRC ;

(ii) Voluntary surrender and disarmament which must be done within the timeframe of about 6 months from 2nd July 2014 with verifiable review after three months ;

(iii) Demand the FDLR to fully surrender within given timeframe and also making them aware of military consequences of failure to comply with the agreed timeframe ;

(iv) Commend UN, AU, EU, SADC and ICGLR for their support to the implementation of the Peace, Security and Cooperation Framework on the DRC and the Region ;

(v) Request EJVM to conclude the investigations and submit its final report on the incident which took place on the border between DRC and Rwanda on 11th of June 2014, to the chair of ICGLR Committee of Ministers of Defence ;

NNN GC

(vi) Called upon the International Community and state signatories to Peace, Security and Cooperation Framework on DRC and the Region to support the process in the Great Lakes Region by assuming fully their responsibilities.

(vii) Ensure speedy implementation of the decisions of the Mini-Summit of the ICGLR held on 25th March 2014 in Luanda, Angola for the eradication of negative forces taking into account that their activities are fuelled by the illicit trade of natural resources.

13. The Joint ICGLR/SADC Ministerial Meeting congratulated the Democratic Republic of Congo, the Republic of Burundi and Republic of Rwanda upon their respective independence anniversaries;

14. The Joint ICGLR/SADC/Ministerial meeting commended the Republic of Angola for the warm welcome accorded to all Member States and the wonderful conference facilities put at their disposal which enabled them to conduct the joint meeting in a cordial and fruitful manner.

Done in Luanda, Angola, 02 July 2014

H.E George Chikoti
Minister of Foreign Relations of the Republic of Angola and Chairperson of the Regional Inter Ministerial Committee of ICGLR

Hon. Netumbo Nandi-Ndaitwah
Minister of Foreign Affairs of the Republic of Namibia and Chairperson of the SADC Ministerial Committee of the Organ on Politics, Defence and Security Cooperation

Prof. Ntumba Luaba
Executive Secretary
ICGLR Secretariat

Dr. Stergomena L. Tax
Executive Secretary
SADC Secretariat

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Annex 4: FDLR in DRC prisons and transit camps

The failed voluntary disarmament process left MONUSCO and the Congolese government with a logistical challenge. While the initiative was reportedly conceived and agreed to by the FDLR, the DRC Government, and SADC, it fell on MONUSCO to respond to almost all logistical needs. MONUSCO was initially taking care of the FDLR combatants and dependents in the MONUSCO-run camps in Kanyabayonga and Walungu and contributing some food and medicine to the government-run camp in Kisangani. Full responsibility for the feeding of all FDLR combatants and dependents will be turned over to the DRC Government on 1 October 2015.[1] This is in addition to taking on the feeding of over 5,800 Congolese ex-combatants in the Kitona and Kamina camps starting 16 September 2015.[2]

FDLR leadership has been consistently critical of the DRC Government's handling of their disarmed combatants and families, especially in Kisangani. Numerous press releases and calls to the Group decried the lack of food and medical care, as well as the forced separation of certain combatants from the rest of the group and the deaths of combatants and dependents in the camps (see Annex 5). The Group was able to confirm that even with the occasional food contributions from MONUSCO, FDLR combatants and dependents in the Kisangani camp went for as many as five days at a time without food, and medicine was in short supply. The situation is likely to deteriorate further when MONUSCO's contributions end on 1 October 2015.

The situation for civilians and FDLR combatants captured during the Sukola II operations that were moved to Angenga prison is significantly worse than for those in Kisangani. According to prisoners and prison authorities interviewed by the Group, they receive very little food and have not had access to any medicine since June.

[1] MONUSCO press conference verbatim from 26 Aug 2015.
[2] Ibid, DDRRR Weekly Report 15-21 August 2015.

Annex 5: FDLR statements and press releases

EX-COMBATTANTS DES FDLR DESARMES ET

LEURS FAMILLES CANTONNES A KISANGANI

PROVINCE ORIENTALE

RDC

A son Excellence Monsieur Said Djinnit, Représentant Spécial du Secrétaire-Général des Nations-Unies dans la Région des Grand Lacs.

KISANGANI, le 28 Juillet 2015

Objet : Cri de détresse des cantonnés de Kisangani.

Excellence Monsieur Djinnit,

Nous, les ex-combattants FDLR désarmes volontairement et cantonnés avec nos dépendants à Kisangani, avons l'honneur de lancer ce cri de détresse à l'endroit de votre illustre personnalité et à travers elle, à l'humanité toute entière, pour que toute personne physique ou morale éprise d'humanité, de liberté et de justice puisse voler à notre secours.

En effet, Excellence Monsieur le Représentant Spécial du SecrétaireGénéral des Nations-Unies dans la Région des Grands Lacs, lors de votre dernière visite du 08 Juillet 2015 dans notre camp, vous avez pu vous rendre compte vous-même des conditions de vie combien déplorables que nous menons depuis le début de cette année, des privations récurrentes de nourriture s'étendant souvent sur une période de sept jours d'affilés, privation de soins médicaux, dislocation et séparation familiales, ainsi qu'une situation sécuritaire préoccupante.

Au cours de notre entretien, vous avez vous-même reconnu que des erreurs avaient été commises et qu'il y avait eu des dérapages dans la gestion du camp de cantonnement en général, et dans la prise en charge des cantonnés en particulier. Vous aviez promis à la même occasion que vous alliez user de votre influence pour trouver les voies et moyens de remédier le plus vite possible à cette situation. Mais hélas, depuis, la situation n'a fait que s'empirer davantage :

- Rappelons que depuis le début de cette année, le Gouvernement de la RD Congo n'a cessé de déclarer par la voix de la gestionnaire du Camp qu'il n'est plus en mesure d'assurer notre prise en charge, d'où les privations récurrentes de nourriture s'étendant souvent sur plusieurs jours d'affilés. Même après votre passage, le scénario s'est reproduit à deux reprises: du 12 au 19 Juillet 2015 et du

26 au 28 Juillet 2015, date de la rédaction de notre présente lettre, des cas graves de malnutrition se multiplient au jour le jour avec risque de complications sévères dans les prochains jours, surtout dans les couches les plus vulnérables de la population.

- Bien que la MONUSCO vient souvent en aide en disponibilisant des lots de médicaments, nous sommes très souvent **privés de soins médicaux** par l'indisponibilité répétée du personnel soignant ; à titre d'exemple: pas de soins médicaux à proprement parler depuis le 26 juin 2015 jusqu'aujourd'hui alors que le camp connaît actuellement une recrudescence de paludisme. Nous signalons de passage un cas de menace d'avortement sans qu'aucune assistance médicale depuis le 26 courant malgré les alertes répétées à l'endroit des services habilités.

- **Dislocation familiale**: toujours le statu quo. Le fait le plus flagrant étant celui d'un bébé de moins de deux ans séparé de sa maman depuis deux mois, et toujours détenu avec son papa dans une prison militaire à Bukavu ainsi que d'autres enfants séparés de leurs deux parents.

- **Situation sécuritaire préoccupante**: Eu égard à la dernière tragédie de Kanyabayonga du 25 Mai 2015 au cours de laquelle il y eut des morts, des blessés et des disparus, eu égard aussi aux fâcheux événements du 26 Juin 2015 à Kisangani où plus ou moins 300 militaires des FARDC ont envahi le camp pour tracasser et enlever nos cadres officiers après avoir défoncé portes, fenêtres et pavillons ; et à Walungu le même jour, on a enlevé 40 personnes dont 34 ont été rapatriées de force, 4 personnes toujours gardées en prison à Bukavu et 2 autres transférées à Kisangani. Signalons en passant que tous les cadres civils ou militaires enlevés dans les camps KISANGANI, KANYABAYONGA et WALUNGU, sont actuellement gardés dans un isoloir près du camp de KISANGANI, après avoir été soigneusement fouillés et ravis de tous leurs moyens d'information et de communication (téléphones, poste de radio) et des objets personnels de valeur (argents, archives, agenda), et ceci dans le but de les museler et les couper de leurs bases restées dans les camps. Ainsi donc la situation récente corrobore et ne fait qu'accroître nos inquiétudes que nous avons, par ailleurs, évoquées à maintes reprises à chacune de nos correspondances adressées à diverses personnalités dont celles qui me lisent en copie, puisque les forces sensées assurer notre sécurité sont celles-là même qui sont utilisées pour nous plonger dans le désarroi.

Tous ces actes manifestement malveillants ont eu pour conséquence de créer chez les cantonnés une psychose de peur et de panique généralisées, de provoquer une diminution sensible de leur confiance envers certaines personnalités de la MONUSCO, et ont sapé dangereusement l'éducation de nos enfants et leur encadrement scolaire initiés avec nos propres moyens de bord.

En ne faisant que relayer les propos tenus publiquement par certains membres du personnel commis à la gestion du camp ou par certains agents DDRRR de la MONUSCO, nous vous révélons que toutes ces manœuvres ci-haut mentionnées et exécutées au vu et au su de la MONUSCO ne sont que la mise en action d'un plan macabre visant a boycotter le processus de désarmement volontaire des FDLR et contraindre tous les cantonnés à un rapatriement forcé et sans condition.

Ce plan a été déjà initié par des privations alimentaires et médicales et l'isolement des cadres, et se poursuivrait par la séparation des ex-combattants de leurs familles; et si la résistance au rapatriement persistait, il se terminera par l'usage de la force proprement dite.

Excellence Monsieur le Représentant Spécial du Secrétaire-Général des Nations Unies, dans la Région des Grand Lacs,

A voir le sort qui nous est actuellement réservé, nous nous posons plus d'une question, notamment:

- Aurions-nous eu tort d'avoir déposé volontairement les armes pour promouvoir par des moyens pacifiques la recherche d'une paix durable dans notre Région des Grands Lacs?
- Si tort il y a, justifierait-on le traitement inhumain dont nous faisons actuellement l'objet ainsi que la privation de jouissance des droits et libertés fondamentaux de la personne humaine constatée à l'endroit des cantonnés FDLR en RD Congo?
- Ayant déposé volontairement nos armes et ne constituant plus une menace, ni pour la sécurité de la RD Congo, ni pour la sécurité de notre chère patrie le Rwanda, ni celle d'aucun autre pays de la Région, pour quelle raison opterait-on, à tout prix, pour nous traquer par la force, alors que nous avons des raisons valables de nous inquiéter que notre sécurité soit entre les mains de celui qui nous a massacrés et qui nous pourchassait et massacrait les nôtres, et continue a nous poursuivre même hors de son territoire pour nous exterminer?

De tout ce qui précède, tout compte fait, nous tenons à vous remercier et à vous exprimer notre profonde gratitude pour la sollicitude que vous avez manifestée à notre égard et concrétisée par votre visite du 08 Juillet 2015 ; nous vous réitérons par la même occasion notre cri de détresse tout en vous priant instamment d'user de votre influence pour remédier à notre désastreuse situation et trouver tant soit peu une solution durable pour la paix dans notre Région des Grands Lacs.

Nous prions également la SADC qui nous lit en copie, et en qui nous avons placé notre confiance et remis nos armes, de bien vouloir prendre en compte nos propres préoccupations et celles surtout du Gouvernement de la République Démocratique du Congo en ce qui concerne notre sécurité et notre prise en charge, et d'en tirer les conséquences qui s'imposent.

Dans l'espoir que notre SOS rencontrera votre assentiment et suscitera un élan de compassion et de solidarité actives à travers le monde, nous vous prions de vouloir agréer, Excellence Monsieur le Représentant Spécial du Secrétaire-Général des Nations Unies dans la Région des Grand Lacs, l'expression de nos sentiments les plus distingués.

Pour les ex-FDLR désarmés et leurs familles cantonnés à Kisangani FASHAHO Léonidas

(Sé)

C.p.i à:

- FDLR -

FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARANIRA DEMOKARASI NO KUBOHOZA U RWANDA

- Son Excellence Monsieur BAN KIMOON, Secrétaire-Général des Nations-Unies, à NEW YORK
- Son Excellence Monsieur Joseph KABILA, Président de la République Démocratique du Congo;
- Son Excellence Monsieur Martin KOBLER, Représentant Spécial du Secrétaire-Général des Nations-Unies en RDC et Patron de la MONUSCO ;
- Son Excellence Madame la Secrétaire Exécutive de la SADC ;
- Son Excellence Monsieur le Secrétaire Exécutif de la CIRGL;
- Son Excellence Monsieur Jean BAMANISA SAIDI le Gouverneur de la Province Orientale (RDC);
- Monsieur Sam, Chef du bureau de la MONUSCO en Province Orientale (RDC); ▪ Son Excellence le Général-Major BYIRINGIRO Victor, Président ai des FDLR.

Email : bazeyefils@gmail.com **Tel : +243-812 808422**

COMMUNIQUE DE PRESSE N° 2015-006

LES EX-COMBATTANTS FDLR ET LEURS FAMILLES SONT TOUJOURS DÉLIBÉRÉMENT AFFAMÉS ET PRIVÉS DE SOINS MÉDICAUX POUR LES FORCER D' ACCEPTER LE RAPATRIEMENT CONTRE LEUR GRÉ.

Les Forces Démocratiques de Libération du Rwanda (FDLR) informent l'opinion régionale et internationale, la communauté internationale, les ONG de défense des droits de l'homme et celles chargées de l'aide humanitaire que les ex-combattants FDLR et leurs familles cantonnés à Kisangani sont soumis à une privation de nourriture et de soins de santé pour les contraindre à accepter d'être rapatriés au Rwanda contre leur volonté.

En effet, lorsqu'il y a livraison de nourriture, seuls des aliments très insuffisants en quantité et en qualité sont accordés. Les enfants ont déjà affiché des signes de malnutrition. Les soins médicaux sont pour ces malheureux un grand luxe. A titre d'exemple, depuis le 11 juin 2015 jusqu'à l'heure où nous écrivons ce communiqué, aucun adulte n'a eu droit aux médicaments. C'est ainsi que le 21 juillet 2015, Madame Uwamahoro Françoise a avorté suite au manque de soins médicaux. Il est à rappeler que Kisangani est un milieu de paludisme endémique. Ces ex-combattants et leurs familles sont délibérément martyrisés par les autorités congolaises avec la complicité active de la

MONUSCO.

La situation des combattants FDLR désarmés et leurs familles cantonnés à Kisangani ressemble étrangement à celle de Kota-Koli dénoncée par le rapport de Human Rights Watch (HRW) du 1 octobre 2014 après enregistrement de 100 décès parmi les combattants congolais démobilisés et leurs familles

qui y étaient cantonnés. Il y a lieu de se demander si les ONG de défense des droits de l'homme attendent un registre mortuaire chargé pour pouvoir passer à la dénonciation de ces agissements pour le moins criminels. Les FDLR les interpellent pour qu'elles agissent rapidement afin d'éviter des morts prévisibles semblables à celles de Kota-Koli. Quant aux ONG chargées de l'assistance humanitaire, elles sont sollicitées pour voler au secours de ces martyrs.

La visite effectuée le 8 juillet 2015 par le Représentant Spécial du Secrétaire Général des Nations Unies dans la Région des Grands Lacs Africains, Mr Saïd Djinnit, après une longue période de rupture de livraison de nourriture et de médicaments, avait suscité de l'espoir pour ces cantonnés mais ils ont vite déchanté.

En effet, en préparation de cette visite, le gouvernement congolais avait distribué de la nourriture et des médicaments qui n'ont servi que pour une seule semaine. Après le passage de Mr Saïd Djinit, seules des rations strictement minimales ont été distribuées. Pire, depuis le 27 juillet 2015 jusqu'à présent, rien n'a été livré.

Face à cette situation de violation flagrante des droits fondamentaux de la personne humaine, les FDLR demandent à l'ONU d'exiger au gouvernement congolais d'autoriser sans délai les organisations humanitaires et la presse à accéder au camp Lt Général Bauma de Kisangani où sont cantonnés ces ex-combattants FDLR et leurs familles pour constater elles-mêmes la situation dramatique qui y prévaut.

Fait à Masisi (RDC) le 01/08/2015.

La Forge Fils Bazeye

Commissaire à l'Information et Porte-Parole des FDLR

- FDLR -

FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARANIRA DEMOKARASI NO KUBOHOZA U RWANDA

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FDLR PRESS RELEASE N° 2015-008

ONE DEATH OF HUNGER AND LACK OF MEDICAL CARE AMONG THE DISARMED FORMER FDLR FIGHTERS AND THEIR FAMILIES CANTONED IN A CAMP WAS RECORDED IN KISANGANI.

The Democratic Liberation Forces of Rwanda (FDLR) have deep regret and great sadness to inform regional and international opinion, human rights NGOs, the United Nations, the South African Development Community (SADC), the International Conference on the Great Lakes Region (ICGLR), the African Union, the European Union and the wider international community, of the death of a former FDLR combatant disarmed and cantoned in Kisangani, victim of hunger and lack of health care, namely Sergeant Major François-Xavier NTEZI who passed away this Sunday, August 16, 2015.

This tragic situation is even more worrying given the obvious desire of the Congolese Authorities with the active complicity of the UN Mission in DRC (MONUSCO) to kill the cantoned former FDLR combatants and their families by hunger and deprivation of medical care (*see our press release N° 2015-006 of 01/08/2015*).

The case of Sergeant Major François-Xavier NTEZI is unfortunately only the beginning because the Congolese Authorities and MONUSCO are sadistically determined to deprive the unfortunate confined people of food, firewood and medicines. The death of Sergeant Major NTEZI François-Xavier comes in addition to a series of abortions registered due to lack of medical care.

This outrageous crime must be unanimously condemned by any natural or legal person defending the respect of fundamental rights of the human being.

Considering the UN Mapping Report, which has extensively documented the worst massacres of Hutu refugees in DRC and was unfortunately filed without further action, and the disastrous situation in the cantonment camp of Kisangani, it is clear that humanity is silently witnessing **a genocide planned and tacitly approved**.

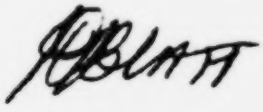
The FDLR reiterate their distress cry and once again launch an SOS for the disarmed former FDLR combatants and their families cantoned in the camp of Kisangani.

Too many Hutu refugees have died since the destruction of their camps in Eastern former Zaïre in 1996 by the army of the great dictator Paul Kagame, and they continue to die until now. It is high time that the UN and the international community at large understand that Hutu refugees are not beings created to be sacrificed in order to perpetuate dictatorship to the benefit of obscure interests.

Enough is enough.

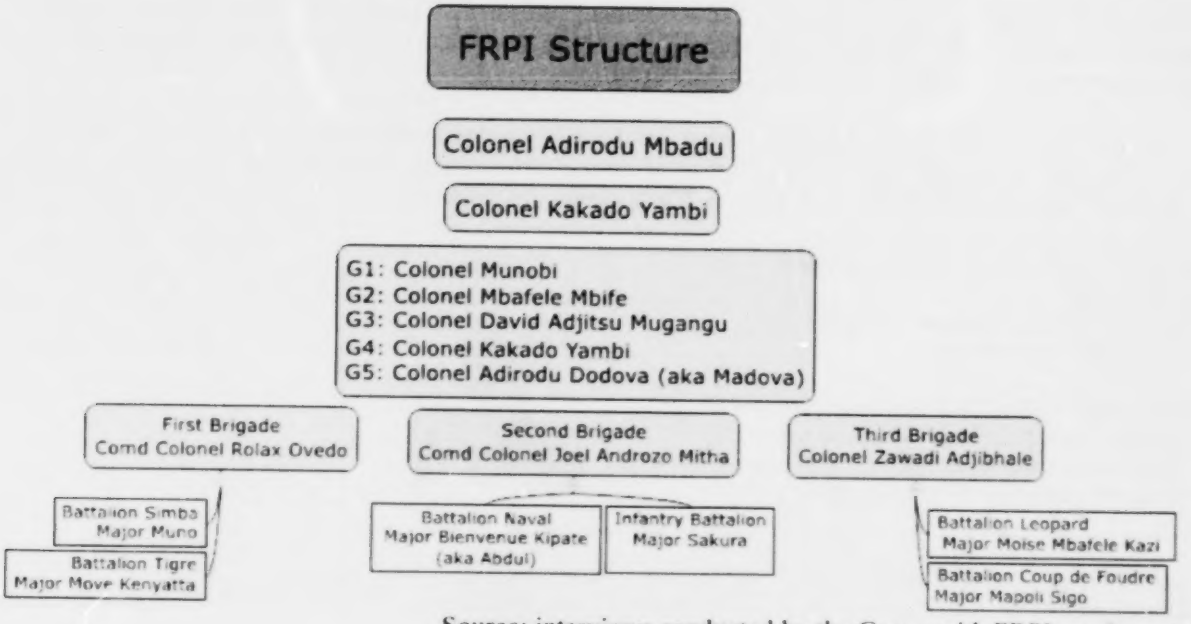
Done at Masisi (DRC) on August 17th, 2015.

La Forge Fils Bazeye



Information Commissioner and Spokesperson of the FDLR

Annex 6: FRPI Structure



Source: interviews conducted by the Group with FRPI combatants

Annex 7: FRPI leadership

After the arrest of Cobra Matata in January 2015, the FRPI was led by "Colonel" Adirodu Mbadhu. Under his leadership, eight officers ranked "Colonel" make up the general staff: Kakado Yambi, Munobi, Mbafele Mbife, David Adjistu Mugangu, Adirodu Dodova, Rolax Ovedo, Joel Androzo Mitha, and Zawadi Adjibhale (photos provided by MONUSCO).

While the FRPI has no political representation, civilians belonging to the former cooperative CODECO are embedded within the movement. Prominent personalities among them include Kato Tsandidhu, considered the successor of Bernard Kakado, Vieux-Seth, and Ndekote.

Name: "Colonel" Adirodu Mbadhu Richard Ethnicity: Ngiti Place of birth: Sisa, (Bamuko Grouping) Position: FRPI Commander Joined FRPI 2000-2001; became Leopard Battalion commander as a Major in 2003; promoted to Colonel and 2nd Brigade commander in 2007; difficult relationship with several members of the FRPI leadership.	
Name: "Colonel" Kakado Yambi Ethnicity: Ngiti Place of birth: Zadu Grouping Position: Deputy Commander and G4 (logistics) Son of FRPI founding father Bernard Kakado.	
Name: "Colonel" Munobi Ethnicity: Ngiti Place of birth: Munobi (1967) Position: G1 (administration)	
Name: "Colonel" Mbafele Mbife Ethnicity: Ngiti Place of birth: Bavi Position: G2 (intelligence) Integrated into the FARDC with Cobra Matata in 2007; deserted to FRPI in 2012; considered one of the most influential and popular officers due to his close contacts with local chiefs.	

Name: "Colonel" David Adjistu Mugangu Ethnicity: Ngiti Place of birth: Bavi Position: G3 (operations) Has often opposed Mbadhu; stayed in Seneka rather than joining those FRPI gathering in Aveba for the June 2015 integration attempt.	
Name: "Colonel" Adirodu Dodova (aka Madova) Ethnicity: Ngiti Place of birth: Bavi Position: G5 (public relations) Not present in Aveba for June 2015 integration attempt.	<no picture available>
Name: "Colonel" Rolax Ovedo Ethnicity: Ngiti Place of birth: Sisa (Bamuko Grouping) Position: 1st Brigade commander Former Simba Battalion commander; promoted to Colonel and brigade commander in early 2010s.	
Name: "Colonel" Joel Androzo Mitha Ethnicity: Ngiti Place of birth: Olongwa-Bavi area Position: 2nd Brigade commander Former small businessman in Geti; joined FRPI in 2001; Company commander in Leopard Battalion as Captain; later Battalion S3; promoted to Major and Leopard Battalion commander.	
Name: "Colonel" Zawadi Adjibhale Ethnicity: Ngiti Place of birth: Kagaba Position: 3rd Brigade commander Formerly a Major in Tigre Battalion in the 1st Brigade.	<no picture available>

Photos by MONUSCO

Annex 8: Letter sent by FRPI leader Adirodu Mbadhu to the FARDC on 13 January 2015 summarizing FRPI conditions to integrate into the national army.

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCE DE RESISTANCE PATRIOTIQUE EN ITURI
ETAT MAJOR GENERAL

N° 001/EMG/FRPI/COMAT/15

PREALABLE ET DESIDERATA DE LA FRPI

La Force de Résistance Patriotique en Ituri (FRPI) est l'un des groupes armés qui a été créé en ITURI au Sud de BUNIA en Chefferie des WALENDU-BINDI pour défendre l'intégrité territoriale de notre pays, la RDC contre les envahisseurs OUGANDAIS.

Depuis l'année 2004, la FRPI avait intégré toutes les phases de la démobilisation et d'intégration en ITURI qui malheureusement n'avait pas atteint ses objectifs. Les échecs des différentes négociations, les non respects des accords signés entre la FRPI et le gouvernement Central de la RDC, les mauvais traitements réservés à certains officiers FRPI au sein des FARDC nous ont obligés à regagner de nouveau le maquis.

Cependant, étant conscients des effets collatéraux de la guerre sur la population ITURIENNE en général et celle de la Chefferie des WALENDU BINDI en particulier, nous fils de l'ITURI, sommes aujourd'hui décidés mettre fin au maquis pour intégrer les FORCES Gouvernementale (FARDC) en soumettant les préalables suivantes :

01. Un cessez le feu
02. La libre circulation
03. La prise en charge par le gouvernement de la FRPI : Frais de Fonctionnement, les fonds de ménage et les primes d'encouragement.

En suite, ne voulant pas revenir dans les échecs de ces fois passées, nous vous présentons notre DESIDERATA ci-après :

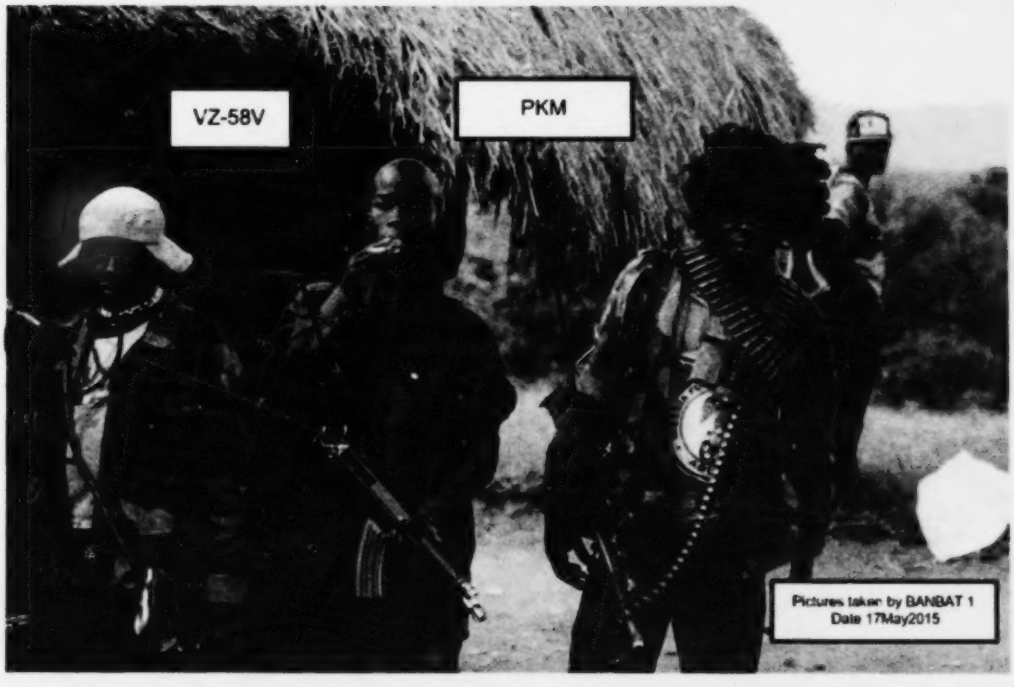
01 Amnistie Nationale et Protection internationale
02 Reconnaissance des Grades tel que proposés par la FRPI
03 Intégration, Brassage et partage équitable des postes au Sein des FARDC.

Fait à AVERA, le 13 Janvier 2015

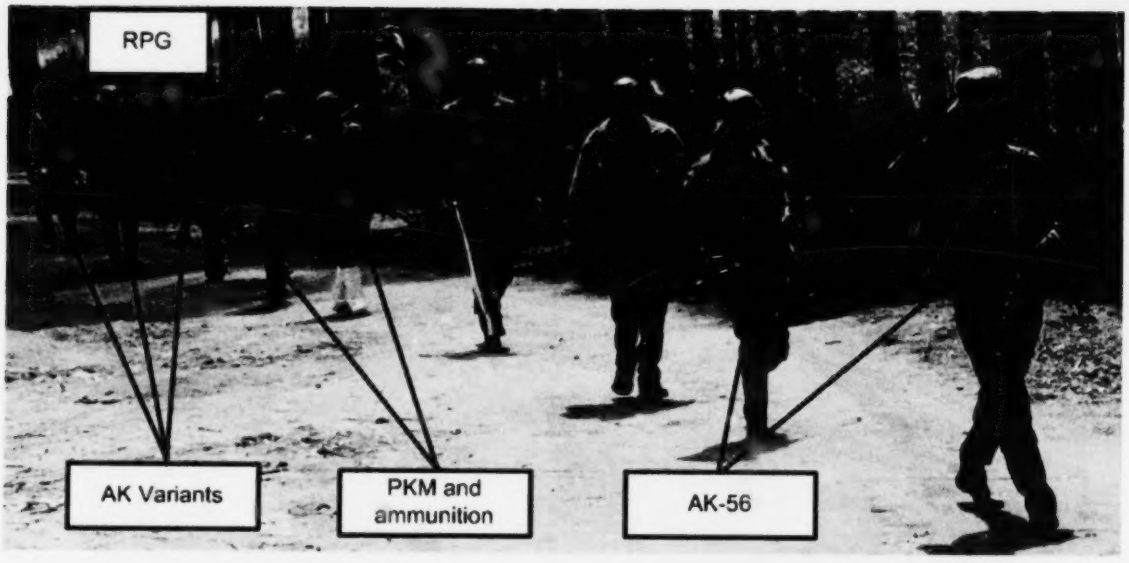
MBADHU ABIRODU RICHARD
COL

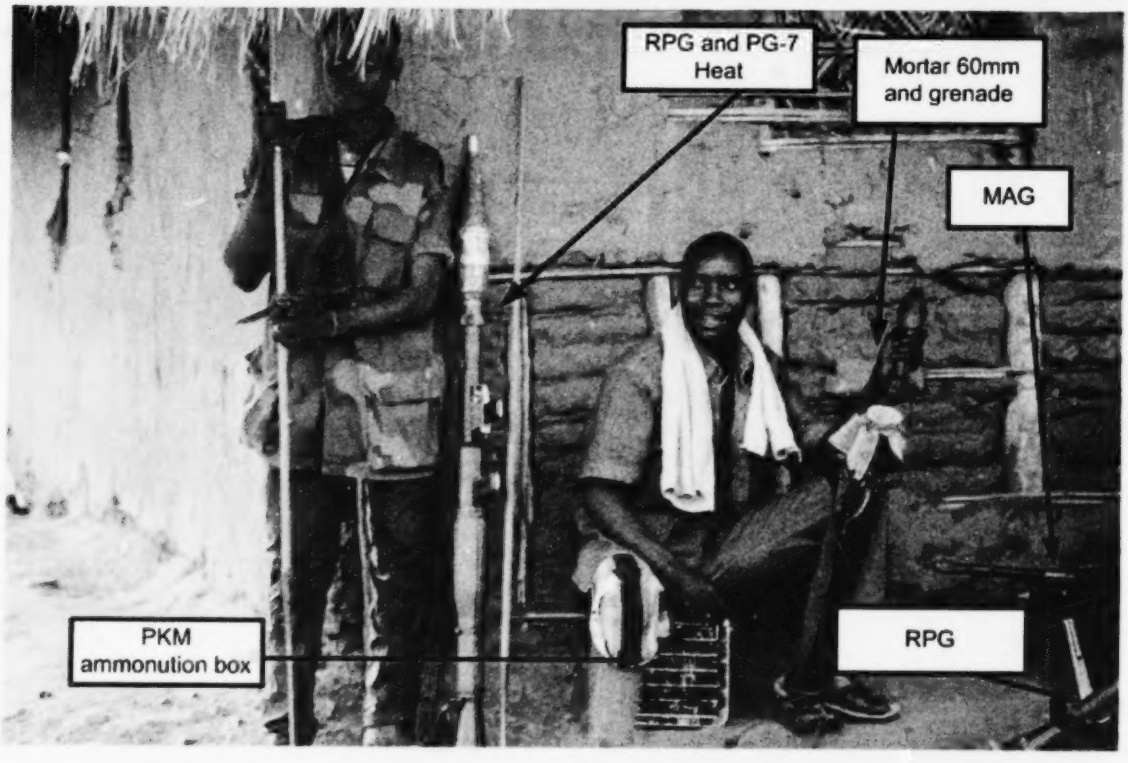
Scanned by CamScanner

Annex 9: FRPI weaponry



Pictures taken by MONUSCO Bangladeshi Battalion



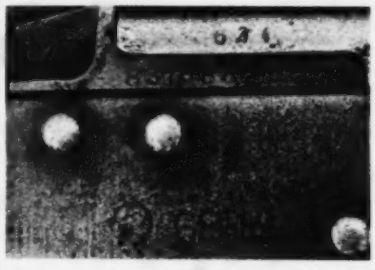


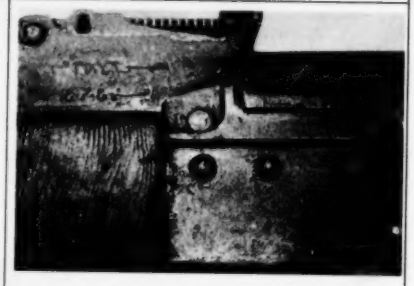
Pictures taken by MONUSCO Bangladeshi Battalion

Annex 10: FRPI Weaponry (Kalashnikov variants)

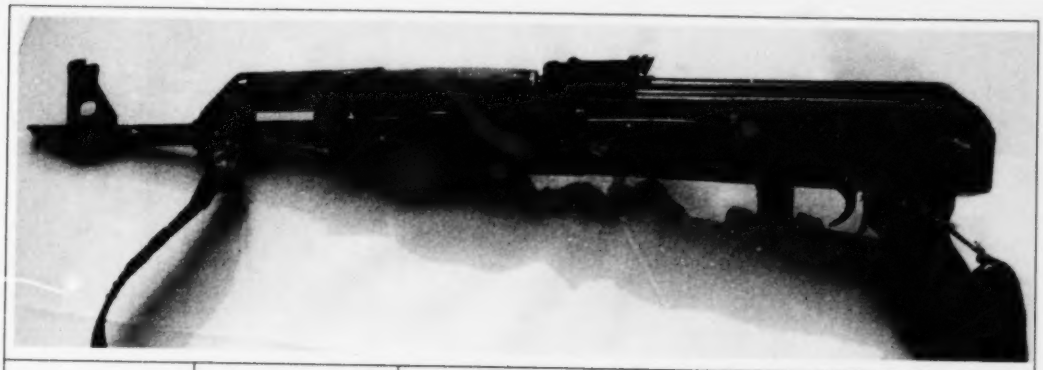
Photos taken by the Group on 28 May and 15 July 2015 in Bunia in Ituri Province.

Weapon 01 Origin: Yugoslavia	1992-AEX 1560	Photo by the Group (July 2015)	

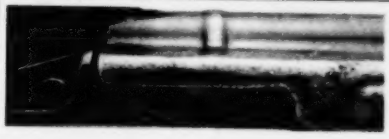
Weapon 02 Origin: Democratic People's Republic of Korea	8318882 Symbol 68119	Photo by the Group (July 2015)	

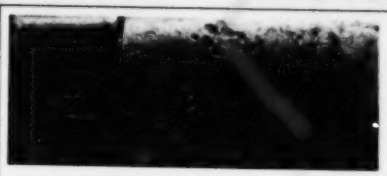
Weapon 03 Origin: Egypt	No markings visible; Nr 10361 was marked on the upper slide.	Photo by the Group (July 2015)	

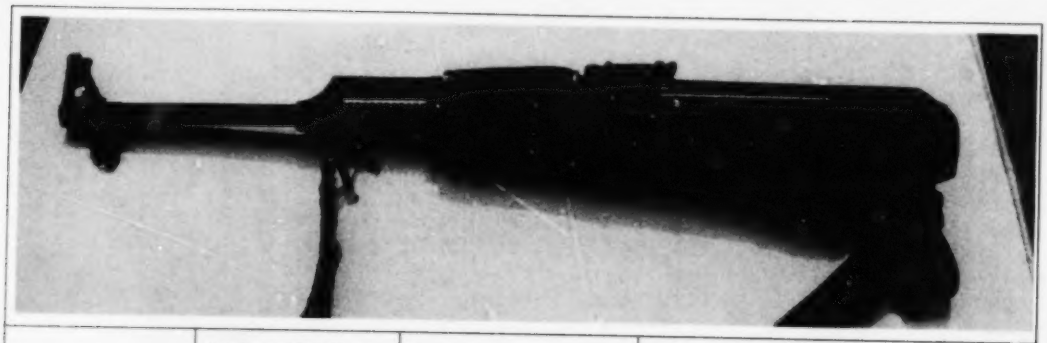
Weapon 04 Origin: Yugoslavia	780723	Photo by the Group (July 2015)	



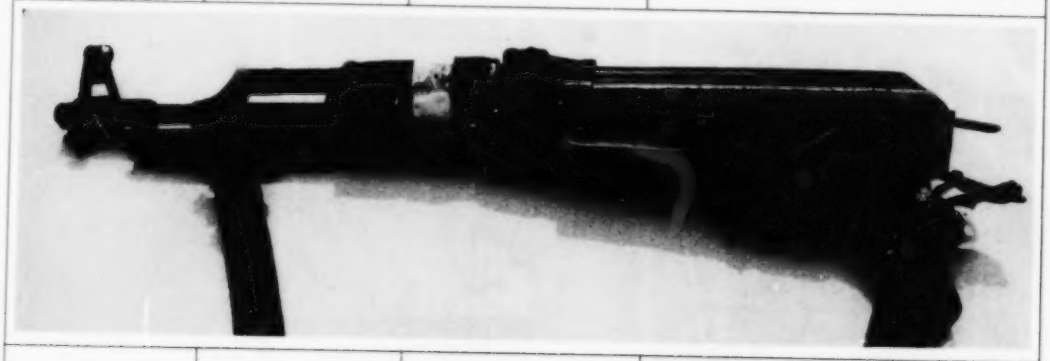
Weapon 05 Origin: Yugoslavia	2000 M70 AB2 784408	Photo by the Group (July 2015)	

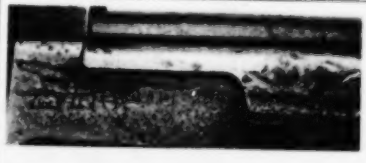
Weapon 06 Origin: Romania	UE 9450 1999	Photo by the Group (May 2015)	

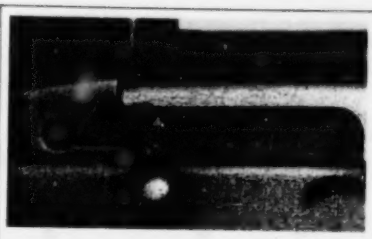
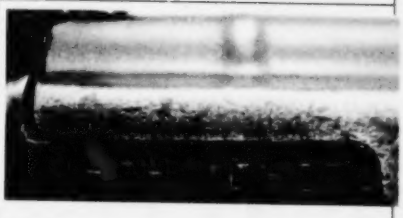
Weapon 07 Origin: China	14076876	Photo by the Group (May 2015)	

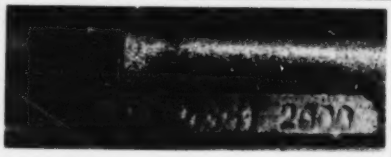


Weapon 08 Origin: Yugoslavia	1986 M70.B1 104365 Barrel is not original (model M-72 barrel).	Photo by the Group (May 2015)	

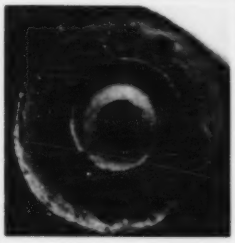
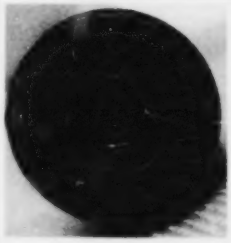
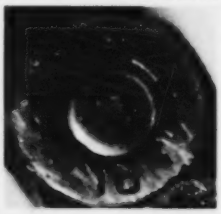
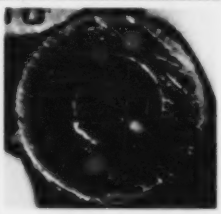
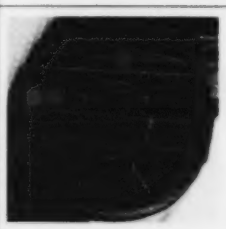


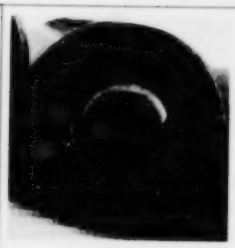
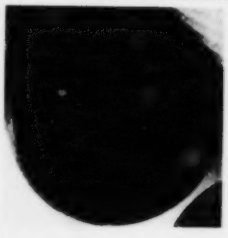
Weapon 09 Origin: China	4118728	Photo by the Group (May 2015)	

Weapon 10 Origin: China	56 3845172	Photo by the Group (May 2015)	
Weapon 11 Origin: Russia	1969 9675	Photo by the Group (May 2015)	
Weapon 12 Origin: Russia	1969 TA8935	Photo by the Group (May 2015)	

Weapon 13 Origin: Romania	UG5561 2000	Photo by the Group (May 2015)	

Annex 11: FRPI Ammunition

Number	Headstamp / Origin	Ammunition Type	Photo (by the Group)	In FARDC stocks?
1	539 – 62 Russia	7.62 x 39mm		No
2	539 – N Russia	7.62 x 39mm		No
3	61 – 10 China	7.62 x 39mm		No
4	61 – 92 China	7.62 x 39mm		No
5	61 – 98 China	7.62 x 39mm		No

6	71 – 10 China	7.62 x 39mm		No
7	71 – 98 China	7.62 x 39mm		No
8	71 – 99 China	7.62 x 39mm		No
9	81 – 76 China	7.62 x 39mm		Yes
10	121 – 71 China	7.62 x 39mm		No

11	811 – 07 China	7.62 x 39mm		No
12	821 – 07 China	7.62 x 39mm		No
13	911 – 75 China	7.62 x 39mm		Yes
14	911 – 76 China	7.62 x 39mm		Yes
15	911 – 77 China	7.62 x 39mm		Yes
16	911 – 78 China	7.62 x 39mm		Yes

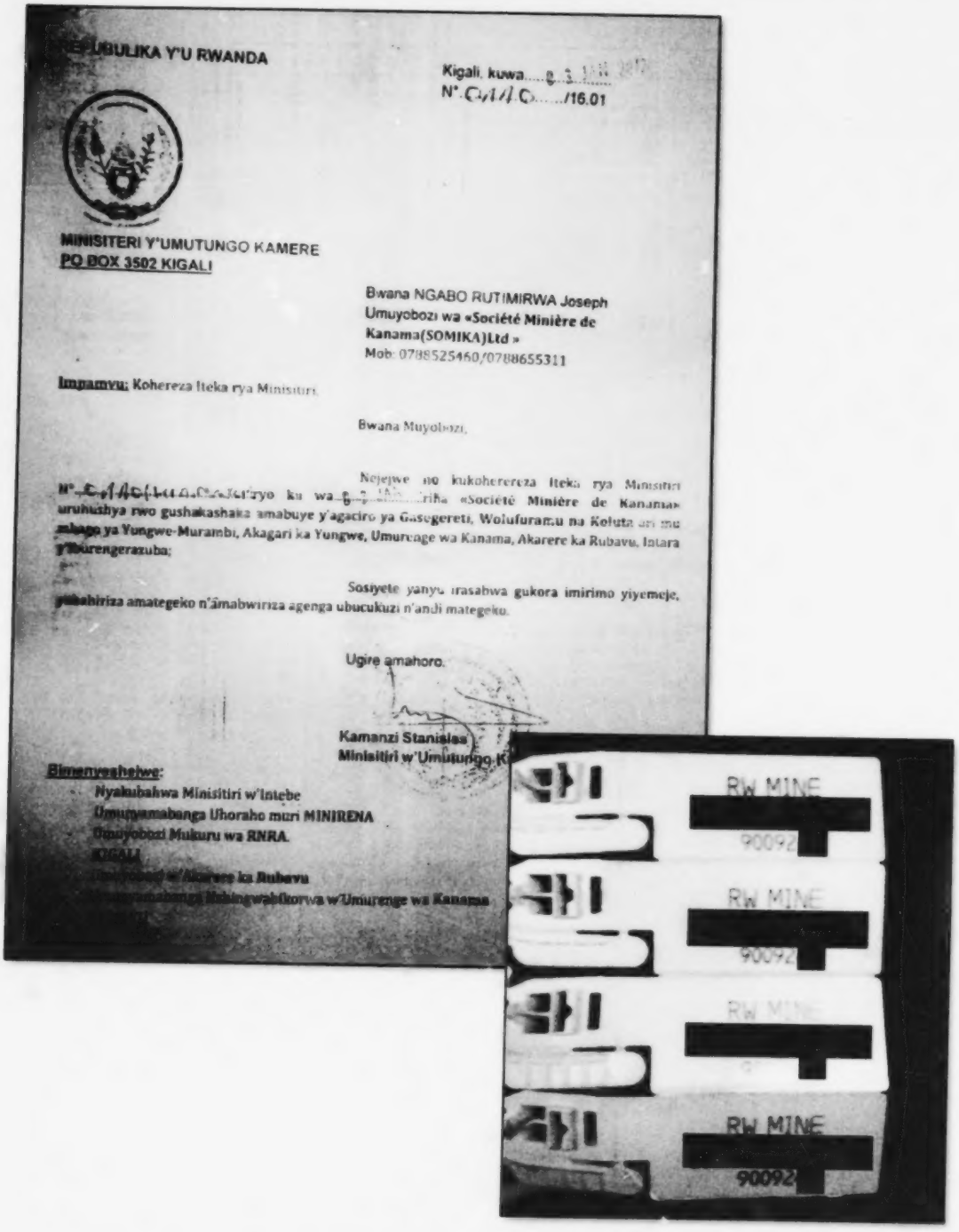
Annex 12: Transport of cassiterite from Tchonka to Bukavu (November 2014 to May 2015)

MONTH	AIRLINES	AGENCIES	KGS TOTAL
NOVEMBER	SWALA	Agefreco	
	MANGO	Ncca	
	BBC	Maison Lazare	
	BUSY BEE	Gat	
		Maendeleo	
		Ml	29073
DECEMBER	BBC	Gat	
	MANGO	Dta	
	SWALA	Agefreco	
		Ncca	
		Maison Lazare	
		Atrac	20216
JANUARY	Swala	Agefreco	
	Mango	Ncca	
	BBC	Maison charles	
		Ml	18139
FEBRUARY	Mango	Agefreco	
	Malu	Ncca	
	Swala	Maendeleo	
		Maison Lazare	
		Ucde	
		ML	13465.5
MARCH	Mango	Agefreco	
	Swala	Umoja	
		NCCA	
		Maison lazare	
		DTA	
		Maison charles	
		Atrac	20894
APRIL	Mango	Agefreco	
	swala	ncca	
		maison lazare	
		umoja	
		maison charles	18482

MAY	**mango**	**agefreco**	
		maison charles	
		ncca	
		MCA	5959
TOTAL	5	12	126228.5

Table prepared by the Group with information from flight manifests

Annex 13: Tags from SOMIKA Ltd.



REPUBULIKA Y'U RWANDA

Kigali, kuwa 03 /16.01

MINISITERI Y'UMUTUNGO KAMERE
PO BOX 3502 KIGALI

Bwana NGABO RUTIMIRWA Joseph
Umuyobozi wa «Société Minière de Kanama(SOMIKA)Ltd »
Mob: 0788525460/0788655311

Impamvu: Kohereza Iteka rya Minisiturl

Bwana Muyobozi,

Nejejwe no kukohereza Iteka rya Minisitiri N° ... ryo ku wa ... riha «Société Minière de Kanama» uruhushya rwo gushakashaka amabuye y'agaciro ya Gasegereti, Wolufuramu na Koluta ari mu mbago ya Yungwe-Murambi, Akagari ka Yungwe, Umurenge wa Kanama, Akarere ka Rubavu, Intara y'Iburengerazuba;

Sosiyete yanyu irasabwa gukora imirimo yiyemeje, yubahiriza amategeko n'amabwiriza agenga ubucukuzi n'andi mategeko.

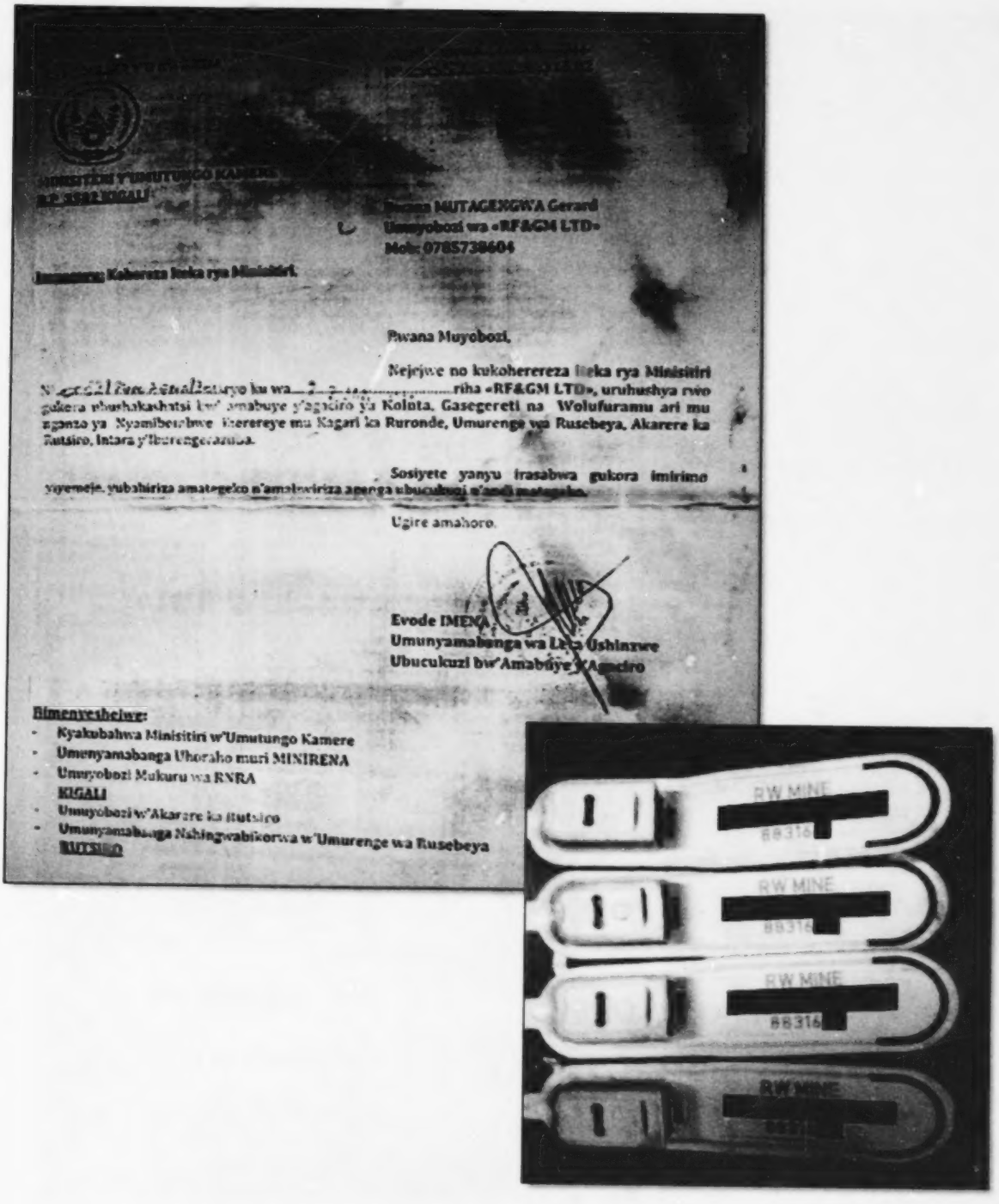
Ugire amahoro.

Kamanzi Stanislas
Minisitiri w'Umutungo K...

Bimenyeshejwe:
- Nyakubahwa Minisitiri w'Intebe
- Umunyamabanga Uhoraho muri MINIRENA
- Umuyobozi Mukuru wa RNRA.
  KIGALI
- ...w'Akarere ka Rubavu
- ...Ishingwabikorwa w'Umurenge wa Kanama

RW MINE 90092

Annex 14: Tags from RF&GM Ltd.



Pwana MUTAGEWGWA Gerard
Umuyobozi wa «RF&GM LTD»
Mob: 0785738604

Inyemeza: Koherza Iteka rya Minisitiri.

Pwana Muyobozi,

Nejejwe no kukohererezaIteka rya Minisitiri ryo ku wa ..... riha «RF&GM LTD», uruhushya rwo gukora ubushakashatsi bw' amabuye y'agaciro ya Kolota, Gasegereti na Wolufuramu ari mu nganzo ya Nyamibwa/Ibwe Ihererey mu Kagari ka Ruronde, Umurenge wa Rusebeya, Akarere ka Rutsiro, Intara y'Iburengerazuba.

Sosiyete yanyu irasabwa gukora imirimo yayemeje, yubahiriza amategeko n'amabwiriza agenga ubucukuzi n'andi mategeko.

Ugire amahoro.

Evode IMENA
Umunyamabanga wa Leta Ushinzwe
Ubucukuzi bw'Amabuye y'Agaciro

Bimenyeshejwe:
- Kyakubahwa Minisitiri w'Umutungo Kamere
- Umunyamabanga Uhoraho muri MINIRENA
- Umuyobozi Mukuru wa RNRA
  KIGALI
- Umuyobozi w'Akarere ka Rutsiro
- Umunyamabanga Nshingwabikorwa w'Umurenge wa Rusebeya
  RUTSIRO

Annex 15: Tags from Africa Multibusiness Line Ltd.

MINISITERI Y'UBUTUNGO KAMERE
B.P 3562 KIGALI

Bwana MUNYAZIKWIYE Etienne
Umuyobozi wa «AFRICA MULTIBUSINESS LINE LTD»
Mob: 0789750020

Impamvu: Kohereza Iteka rya Minisi

Bwana Muyobozi,

Nejejwe no kukohereza Iteka rya Minisitiri riha «AFRICA MULTIBUSINESSLINE LTD», uruhushya rwo gukora ubushakashatsi bw' amabuye y'agaciro ya Koluta, Gasegereti na Wolufuramu ari mu nganzo ya Bukanda-Ndam[illegible] ahereye mu tugari twa Ngoma na Kigarama, Imirenge ya Nyabirasi na Nyundo, Uturere twa Rutsiro na Rubavu, Intara y'Iburengerazuba;

Sisiyete yanyu irasabwa gukora imirimo yayemerejwe, yubahiriza amategeko n'amabwiriza agenga ubucukuzi n'andi mategeko.

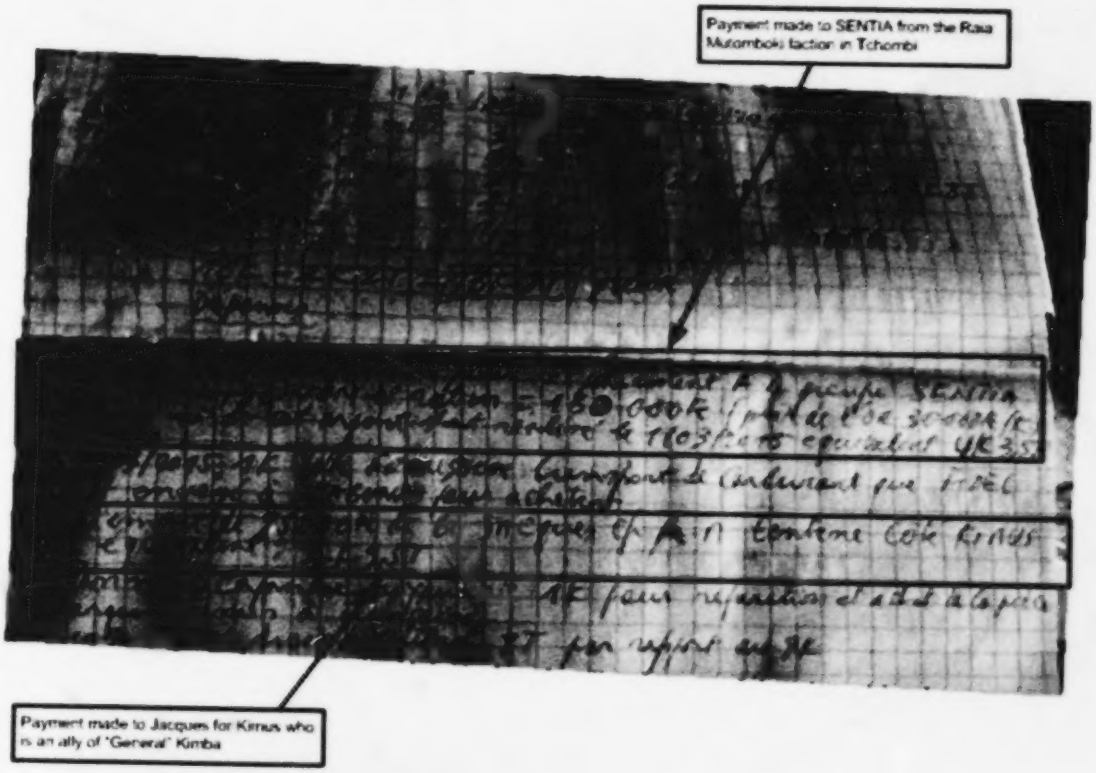
Ugire amahoro.

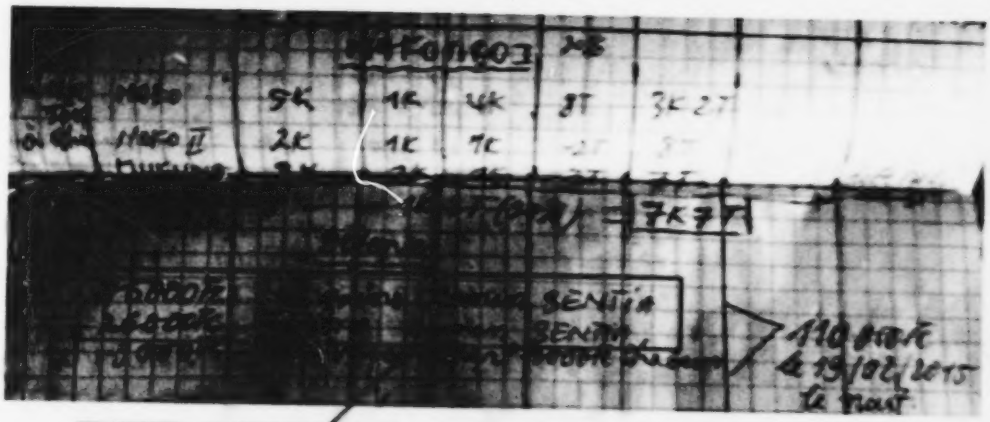
ISMENA Evode
Umunyamabanga wa Leta Ushinzwe Ubucukuzi bw'Amabuye y'Agaciro

Bimenyeshejwe:
- Nyakubahwa Minisitiri w'Umutungo Kamere
- Umunyamabanga Uhoraho muri MINIRENA
- Umuyobozi Mukuru wa RNRA
- Umuyobozi Mukuru Wungirije RNRA/GMD KIGALI
- Umuyobozi w'Akarere ka Rubavu
- Umuyobozi w'Akarere ka Rutsiro
- Umunyamabanga Nshingwabikorwa w'Umurenge wa Nyabirasi
- Umunyamabanga Nshingwabikorwa w'Umurenge wa Nyundo

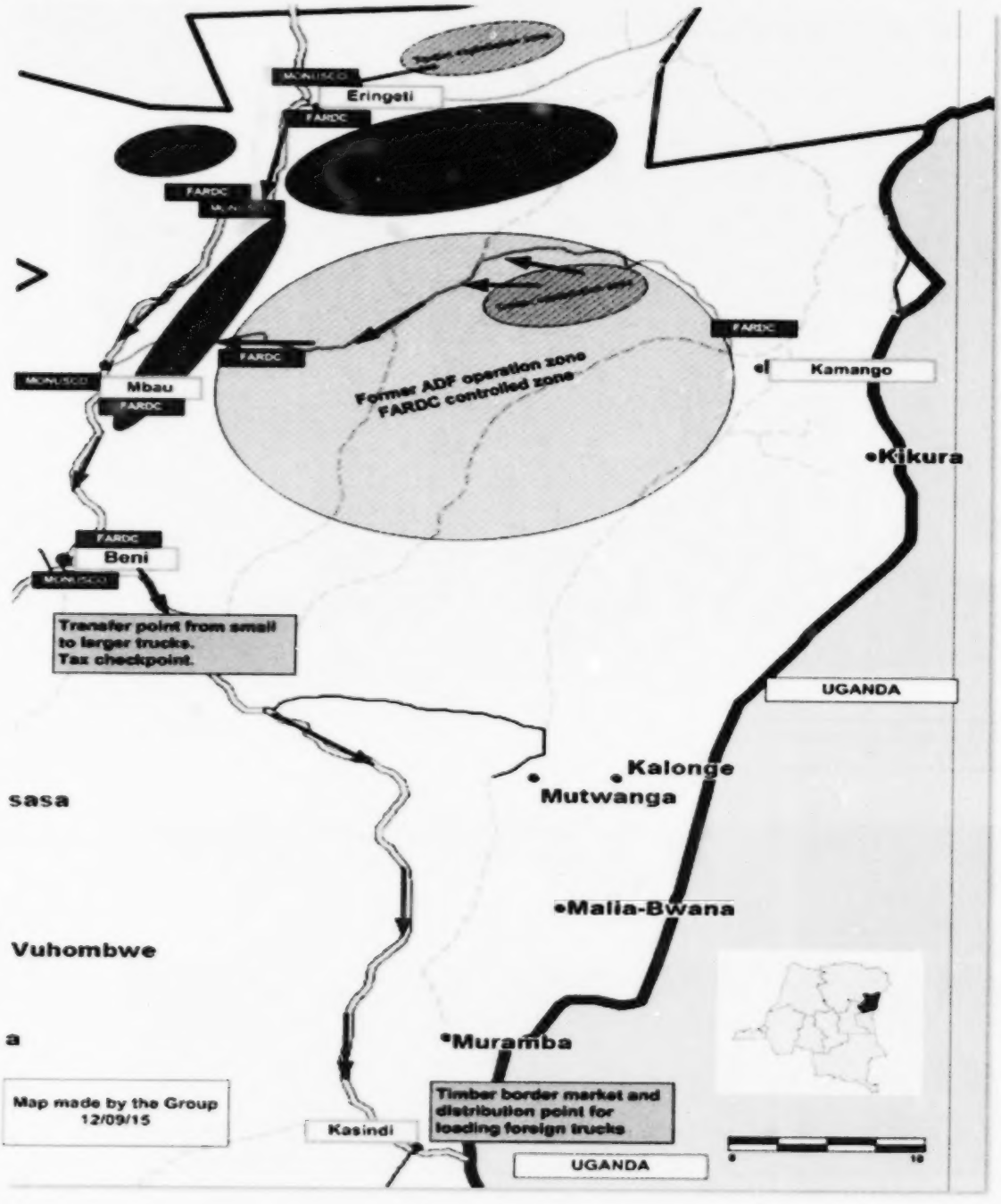
Annex 16: Payments made to Raia Mutomboki leaders

Extract of the financial ledgers of one dredge owner. The Group obtained the document in August 2015, during a field visit.


Payment made to SENTIA from the Raia Mutomboki factor in Tchombi
Payment made to Jacques for Kimus who is an ally of "General" Kimba



Annex 17: Timber export route



Annex 18: Report from the DRC national parliament on the massacres committed in the Beni area (from November 2014)

REPUBLIQUE DEMOCRATIQUE DU CONGO

ASSEMBLEE NATIONALE

2ème LEGISLATURE DE LA 3ème REPUBLIQUE

RAPPORT DE LA MISSION D'INFORMATION ET DE RECONFORT AUPRES DES POPULATIONS DE LA VILLE DE BENI ET DES AGGLOMERATIONS DU TERRITOIRE DE BENI VICTIMES DES TUERIES DU 02 AU 21 OCTOBRE 2014

NOVEMBRE 2014

I. INTRODUCTION

Honorable Président de l'Assemblée nationale,

Honorables Membres du Bureau,

Honorables Députés et chers Collègues,

Suivant l'ordre de mission N° CAB/P/AN/240/2014 du 18 octobre 2014 octobre 2014, le Président de l'Assemblée nationale a diligenté une mission officielle en Ville et Territoire de Beni, en Province du Nord-Kivu, dans le but de recueillir des informations et de compatir avec les populations de ces entités terrorisées par des tueries d'une grave cruauté.

I.1. De la composition de la délégation

La délégation était composée des Honorables Députés nationaux ci-après :

1. MUNEMBWE TAMUKUMWE Elysée, Questeur de l'Assemblée Nationale et Présidente de la délégation
2. BALIKWISHA MULHONDI Juma
3. NZEKUYE KABURABUZA François
4. MWAKA BWENGE Arsène, Rapporteur
5. MIGANDA MUSHUBANGABO Dieudonné
6. PALUKU KISAKA YEREYERE
7. PALUKU MALI'ISE MALISAWA
8. MUGIRANEZA NDIZEYE Jules
9. KAMBALE Omer
10. KIRO TSONGO Grégoire
11. MAELEZO ALABU Boris
12. ADIRODU DJARI Wilson

I.2. De la méthode de travail

Pour bien mener sa mission, la délégation a procédé de la manière suivante :

- Organiser des réunions ;
- Descendre sur les sites des tueries ;
- S'incliner sur les tombes des victimes ;
- S'entretenir avec les rescapés, les témoins, les différentes couches de la population, les services publics et les autorités politico-administratives ;
- Rassembler et exploiter les documents (mémos et tracts) ;
- Proposer à l'Assemblée nationale des recommandations à faire parvenir au Gouvernement de la République afin d'éviter à l'avenir des tels événements sanglants.

I.3. Des difficultés rencontrées

La délégation s'est butée à quelques difficultés liées à :

- la courte durée de la mission au regard des étendues à sillonner, des témoins et rescapés à écouter et des entretiens avec les autres couches de la population ;
- l'insuffisance des moyens logistiques et financiers ;
- l'insécurité prévant sur les sites à visiter.

I.4. De la documentation

La délégation a rassemblé les documents pouvant avoir un lien direct avec sa mission et ceux lui remis par les différentes délégations avec lesquelles elle s'est entretenue. Il s'agit :

- de la Constitution de la République Démocratique du Congo du 18 février 2006, telle que modifiée par la loi n°11/002 du 20 janvier 2011 portant révision de certains articles.

- du Règlement intérieur de l'Assemblée nationale ;
- de la lettre ouverte à son Excellence Monsieur le Ministre National de l'Intérieur par le Conseil urbain et territorial de la jeunesse de Beni du 19 octobre 2014 ;
- des tracts jetés par les présumés ADF (assaillants) ;
- du mémorandum des partis politiques de l'opposition représentés à Beni du 20 octobre 2014 ;
- de la lettre du Groupe de chercheurs libres du Graben GCLG n° 023/CGL/Bbo/2013 du 20 octobre 2014 ;
- de la lettre de la Fondation Mamadou pour l'éveil de la conscience et l'amour de la patrie (FOMECAP-RDC) du 27 octobre 2014 ;
- de la lettre du centre de santé d'Eringeti du 21 octobre 2014 ;
- de la lettre de l'Hôpital général de référence Oicha (ECC-CECA 20) n° 64/MD/HGRO/2014 du 21 octobre 2014.

II. DU DEROULEMENT DE LA MISSION

II.1. Des réunions

La délégation a organisé et participé à quatre réunions importantes.

1°/ Réunion de la délégation des Députés à l'Hôtel Beni

Aussitôt arrivée dans la Ville de Beni le dimanche 19 octobre 2014 à 15 heures, la délégation des Députés nationaux a tenu sa première réunion sous la présidence de l'Honorable Elysée MUNEMBWE, Questeur de l'Assemblée nationale, afin d'élaborer le plan de travail et de fixer la ligne de conduite des membres de la mission. L'essentiel a tourné autour des mesures pratiques devant prémunir les Honorables Députés des situations susceptibles de les exposer à diverses formes d'insécurité et de l'élaboration des principes de communication du groupe.

2°/ Réunion avec Messieurs les Ministres de l'Intérieur, Sécurité, décentralisation et affaires coutumières ; de l'Agriculture, pêche, élevage et développement rural, et le Gouverneur de Province du Nord-Kivu.

Cette réunion tenue le 19 octobre 2014 a porté sur trois points essentiels. Premièrement, faire le point sur la situation sécuritaire de la Ville de Beni ainsi que des entités que la délégation devait visiter. Deuxièmement, présenter l'objet de la mission des députés nationaux aux membres précités de l'Exécutif par la présidente de la délégation. Troisièmement et enfin, solliciter le concours de l'Exécutif pour la réussite de la mission et pour la sécurité de la délégation tout le temps du travail.

La délégation a été rassurée par le Ministre de l'intérieur de la maîtrise de la situation sécuritaire dans les entités qui ont connu l'incursion des assaillants et l'a encouragé à se rendre dans les sites des tueries. Séance tenante, le Ministre a instruit le Gouverneur de Province de prendre des dispositions pratiques pour sécuriser la Délégation.

3°/ Réunions publiques

La délégation a organisé et participé à trois réunions publiques : à l'Hôtel Beni le 19 octobre 2014, à Eringeti le 20 octobre 2014 et à Ngadi le 22 octobre 2014. Durant toutes ces réunions, la Présidente de la délégation s'était adressée à la population pour présenter un mot de compassion de l'Assemblée nationale, dévoiler l'objet principal de la mission qui est celle de s'informer du carnage subi par les paisibles populations, appeler les populations à transcender des clivages susceptibles d'envenimer davantage la situation, à identifier l'ennemi, le mettre hors d'état de nuire afin d'œuvrer à l'unisson pour léguer aux générations à venir un Nord-Kivu pacifié.

Le temps étant pressant et le moment n'étant pas propices aux longues discussions sur les lieux des crimes où sévissaient encore l'horreur et la désolation, les populations n'ont eu que la seule occasion de la réunion publique à l'Hôtel Beni

pour s'exprimer publiquement. Dans cette réunion convoquée par Le Ministre de l'Intérieur, les préoccupations des populations ont gravité autour des points saillants ci-après :

- Nécessité de mettre en œuvre la parole du Chef de l'Etat donnée en décembre 2013, consistant à procéder à la mutation des agents de l'Etat prestant depuis longtemps dans cette zone troublée et relèvement des officiers, des militaires et des policiers inefficaces ;
- Difficulté de se battre contre un ennemi non encore identifié, quand bien même il serait vaguement qualifié d'ADF ;
- Risque de généralisations allant dans le sens de faire porter la responsabilité des tueries, des pillages et des prises d'otages aux jeunes ou aux ressortissants de ces zones alors que la responsabilité pénale et civile est, par principe, individuelle ;
- Demande d'explications aux membres du Gouvernement et au Parlement sur cette espèce de relâchement observé dans les opérations Sokola I au lendemain de la mort inopinée du Général Jean-Lucien BAHUMA;
- Non-paiement de la solde des certains militaires se trouvant au front et quelques problèmes récents observés dans la logistique militaire;
- Problème d'incohérence dans le commandement de plusieurs unités se trouvant sur le terrain ;
- Politique d'encadrement des jeunes et des victimes de l'invasion dans les zones d'incursion ;
- Immobilisme ou inaction de la MONUSCO face aux tueries alors que ses éléments sont postés non des lieux des drames a été ainsi interprété par la population comme une complicité ;
- Tracasseries militaires et policières par le fait de l'absence du cantonnement de ces éléments et du non-paiement de la solde ;
- Non-entretien des routes alors que le FONER perçoit beaucoup d'argent quant à ce;

L'Honorable Questeur et le Ministre de l'intérieur ont pris la parole pour tenter de rencontrer les préoccupations de la population, l'invitant au calme en attendant des solutions durables à leurs problèmes.

II.2. Des descentes sur les sites des tueries

La délégation a effectué trois sorties sur les lieux où les massacres ont été perpétrés :

1°/ Eringeti et Oïcha

Au lendemain de son arrivée en Ville de Beni, la délégation a effectué une descente à Eringeti et à Oïcha situés respectivement à 60 km et à 30 km. A Eringeti, la délégation s'est inclinée sur les tombes de 20 victimes sur les 23 y enregistrées, les autres ayant été ensevelies par leurs familles respectives. La délégation s'est rendue sur les lieux du massacre où les dégâts étaient encore perceptibles : maisons défoncées et incendiées, les étoffes et moustiquaires utilisés pour ligoter les victimes avant de les égorger, de les éventrer et de les découper, etc. Puis, la délégation a procédé à l'identification et l'audition des témoins et des rescapés susceptibles de fournir des informations à la délégation, la visite de l'un des deux rescapés hospitalisé au centre de santé de référence d'Eringeti ainsi qu'une rencontre avec les membres du comité de sécurité ont été effectués à cette occasion.

La même journée, à Oïcha, où neuf morts ont été déplorés, la délégation s'est rendue sur le lieu des tueries avant de procéder à l'audition des membres du Comité de sécurité, des familles des victimes sur le campus de l'ISTM Oïcha. Une identification de quelques personnes ressources a été effectuée.

Dans le quartier Ngadi, en Ville de Beni, la délégation a effectué une descente sur le lieu des tueries le 22 octobre 2014. Une entrevue avec les rescapés, les familles des victimes et les habitants du quartier a eu lieu à l'Eglise CECA 20 ainsi que

l'identification des personnes susceptibles de fournir à la délégation des informations sur le déroulement du massacre.

II.3. Des entretiens

Entre le 20 et 23 octobre 2014, la délégation a procédé à une série d'entretiens avec les catégories suivantes :

- Les membres des comités de sécurité d'Eringeti, de la Cité d'Oicha, du Territoire de Beni et de la Ville de Beni ;
- Les comités de la société civile d'Eringeti, d'Oicha et de Linzosisene ;
- Les médecins du centre de santé de référence d'Eringeti ;
- Les témoins et les rescapés des massacres ;
- Les associations des jeunes et les comités des étudiants ;
- Les motards ;
- La FEC ; et
- Les partis politiques.

Il ressort des entretiens les constats ci-dessous :

1°/ De la réalité des tueries

- Plus de 80 personnes ont été massacrées en l'espace de trois semaines, soit du 2 octobre au 20 octobre 2014. Quelques tueries ont été déplorées alors que la délégation séjournait encore à Beni et le nombre a continué à croître quelques jours après ;
- Plusieurs disparus et kidnappés non encore dénombrés ne sont pas retournés ;
- Les tueries, d'une rare cruauté, ont été perpétrées aux confins des agglomérations et des Villes entre 18 heures et 20 heures 30 minutes ;
- Les assaillants opéraient à l'aide d'armes blanches (machettes, haches, marteaux, couteaux, houes), de grosses pierres et d'armes à feu ;

- Les assaillants étaient habillés en uniformes militaires, en soutanes, et certains étaient déguisés en femmes (pagnes, blouses et foulards) à Ngadi ;
- Ils s'exprimaient en des langues identifiées par les rescapés comme le kiswahili, le kiganda et le kinyarwanda ;
- Les tueries étaient perpétrées non loin des positions des FARDC et de la MONUSCO ;
- Les victimes ont été principalement les populations et quelques éléments des FARDC habitant la cité ;
- Aucun assaillant n'a été capturé, un seul a été abattu par un élément des FARDC habitant le quartier Ngadi, en Ville de Beni mais son corps a été vite récupéré par ses pairs. un vaillant militaire FARDC Sergent de son état et époux de dame Jeanne Bahati, blessé par les assaillants, a rendu l'âme à l'hôpital général de Référence de BENI.
- Ces assaillants tuaient et pillaient (chèvres, poules et vivres) en même temps ;
- Ils étaient localisés non loin des agglomérations (plus ou moins 5 km) et opéraient le long de la route nationale numéro quatre ;
- La population est sinistrée : déplacements massifs, écoles fermées servant d'abris aux déplacés, centres de santé et hôpitaux en difficulté de renouvellement de leur stocks de médicaments suite au non-paiement des factures des soins de militaires et de leurs dépendants, paralysie et/ou arrêt des activités de commerce, de champs, etc.

2°/ De la sécurité

- Il s'observe une superposition des unités et une multiplicité de services de sécurité dans la région des massacres. C'est le cas des 1003ème et 1007ème Régiments qui, dans la confusion qui a accompagné le massacre d'Eringeti dans la nuit du 17 au 18 octobre 2014, ont été amenés à se tirer dessus alors que la population était livrée au massacre ;
- Tous les services publics, les autorités politico-administratives ainsi que les populations affirment que les informations faisant état de l'imminence

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d'attaques par des forces négatives étaient données à qui de droit au moment opportun, sans que des dispositions ne soient prises ;

- A chaque attaque, l'intervention des services de défense et de sécurité venaient tardivement ;
- A certains endroits, des personnes censées coordonner les actions de protection des populations n'ont pas joué leur rôle. C'est le cas de l'Officier de permanence du Centre de Coordination des Opérations (CCO) dans la nuit du 8 au 9 octobre 2014 à Oïcha. C'est aussi le cas du Commandant second de la PNC à Beni qui a fermé les deux numéros verts offerts et alimentés gracieusement en crédits par la MONUSCO ;
- Absence de collaboration du commandement des FARDC avec la population ;
- Crise de confiance entre les services de sécurité, les autorités politico-administratives et la population. La population estime que les services de sécurité ne transmettent pas à temps les informations qu'elle livre afin de prévenir les attaques, alors qu'interrogées, ces autorités affirment bien faire leur travail, les actions à mener étant dévolues à la PNC et aux FARDC ;
- Crise de confiance entre la population et l'actuel Commandant des opérations Sokola I. Cette absence de crédit aux yeux de la population est présentée comme le fait :
    * du relâchement constaté dans la conduite des opérations Sokola I,
    * du manque de ratissage dans les environs des agglomérations et villes,
    * de l'absence d'intervention des éléments des FARDC lors des attaques ou alors des interventions toujours tardives,
    * de l'implication de certains officiers dans l'affairisme (exploitation et commercialisation frauduleuse de bois, café, cacao et trafic des véhicules prohibés par le Gouvernement de la République via Nobili, combines dans l'importation du carburant...) et des tracasseries nocturnes.

Cette crise est illustrée par le cas d'un Major qui, contacté par un enfant rescapé alors que les tueries étaient en cours et que les cris des victimes parvenaient à la position qu'il contrôlait, a menacé de fusiller tout élément de son unité qui oserait intervenir et a même arraché les chargeurs de certains des éléments préoccupés d'intervenir. Il en est de même d'un Colonel qui a jugé utile de recevoir et de garder un rescapé pour aller constater les dégâts le lendemain matin ;

- Crise de confiance entre la population et la MONUSCO accusée à tort ou à raison de passivité et/ou de complicité avec l'ennemi ;
- Crise entre la population et la PNC pour non intervention ;
- Non-paiement de la solde de certains militaires au front pendant trois mois entrainant découragement et tracasseries de tous genres;
- Insuffisance des moyens matériels, humains et financiers empêchant la PNC de bien faire son travail dans une zone opérationnelle ;
- Mauvaise gestion des personnes démobilisées des groupes armés ;
- Possible renforcement de l'ennemi en hommes et en matériel ;
- Problème de gestion des entités déconcentrées étant donné que l'Administrateur de Territoire, les Chefs de groupements, les chefs de quartiers, les chefs des avenues et des cellules dont les dépenses émargent au budget du pouvoir central n'ont pas de moyen pour leur travail ;
- Perte du contrôle des entités administratives décentralisées et les entités déconcentrées par l'autorité de l'Etat ;
- Présence de certaines unités militaires indépendantes du commandement local et de la Région militaire ; et
- Mouvements massifs des populations en provenance principalement du Territoire de Masisi en destination de Boga (Irumu) en Ituri, à Eringeti et à Kainama au Nord-Kivu. Ces mouvements migratoires accentués sont diversement interprétés par les populations tant au Nord-Kivu septentrional qu'en Ituri en Province Orientale.

3°/ De la population

- La panique, la peur et l'incertitude qui ont gagné les agglomérations et les villes endeuillées exposent les populations à la méfiance, à la rumeur et à l'intoxication ;
- Le chômage et principalement celui des jeunes constitue un des facteurs d'alimentation des mouvements armés.

III. RECOMMANDATIONS

De l'examen des informations ci-dessus, il se dégage les recommandations suivantes :

Au Gouvernement de la République :

- Prise en charge des rescapés, des victimes, des déplacés, des retournés, des réfugiés et des blessés de guerre et leurs dépendants ;
- Paiement des factures en souffrance des centres de santé et des hôpitaux asphyxiés notamment à Eringeti, à Oicha et en ville de Beni ;
- Appui substantiel des formations médicales au regard de la croissance du nombre de patients sinistrés ;
- Rétablissement urgent de la sécurité dans toute la zone sinistrée afin de permettre la reprise des activités socio-économiques (école, champs, élevage, commerce…) ;
- Dotation de la PNC et des services de sécurité en moyens susceptibles de faciliter leur travail et leur mobilité ;
- Redynamisation et réorganisation des opérations Sokola I en vue du rétablissement de la collaboration entre les FARDC et la population, gage pour la réussite ;
- Nécessité de finaliser le processus d'identification à base biométrique des éléments des FARDC et celui de la bancarisation de la solde ;

- Paiement régulier de la solde et des primes diverses des militaires au front ;
- Nécessité d'une politique d'encadrement des enfants, des jeunes, des démobilisés dans les zones de massacres ;
- Libération des crédits inscrits au budget du pouvoir central pour le compte des entités déconcentrées ;
- Augmentation des effectifs des éléments de la PNC dans les villes et les principales agglomérations ;
- Remplacement des éléments des FARDC, de la PNC, des autres services de sécurité et leurs chaînes de commandement par des ressortissants d'autres provinces que le Nord-Kivu ;
- Electrification de Beni et du reste de la Province afin de participer à la sécurité nocturne des populations.

A l'Assemblée nationale :

- Nécessité d'une commission d'enquête parlementaire en vue de dégager les responsabilités dans les défaillances et les dysfonctionnements constatés;
- La tenue d'une rencontre entre les Députés nationaux du Nord-Kivu et ceux de la Province orientale (Ituri) afin de permettre l'harmonisation dans la cohabitation des populations dans ces Provinces et de plancher sur les mouvements migratoires controversés des populations en provenance de Masisi.

Durant son séjour dans la ville de Beni et en Territoire de Beni, votre commission, a enregistré d'autres préoccupations pertinentes de la population. Etant donné qu'elles n'ont pas de lien direct avec la sécurité, la commission attend les exploiter en d'autres moments et cadres appropriés.

Tel est, Honorable Président de l'Assemblée nationale, Honorables membres du Bureau, Honorables Députés nationaux et chers Collègues, le contenu du rapport de la mission d'information et de réconfort que nous vous prions d'adopter.

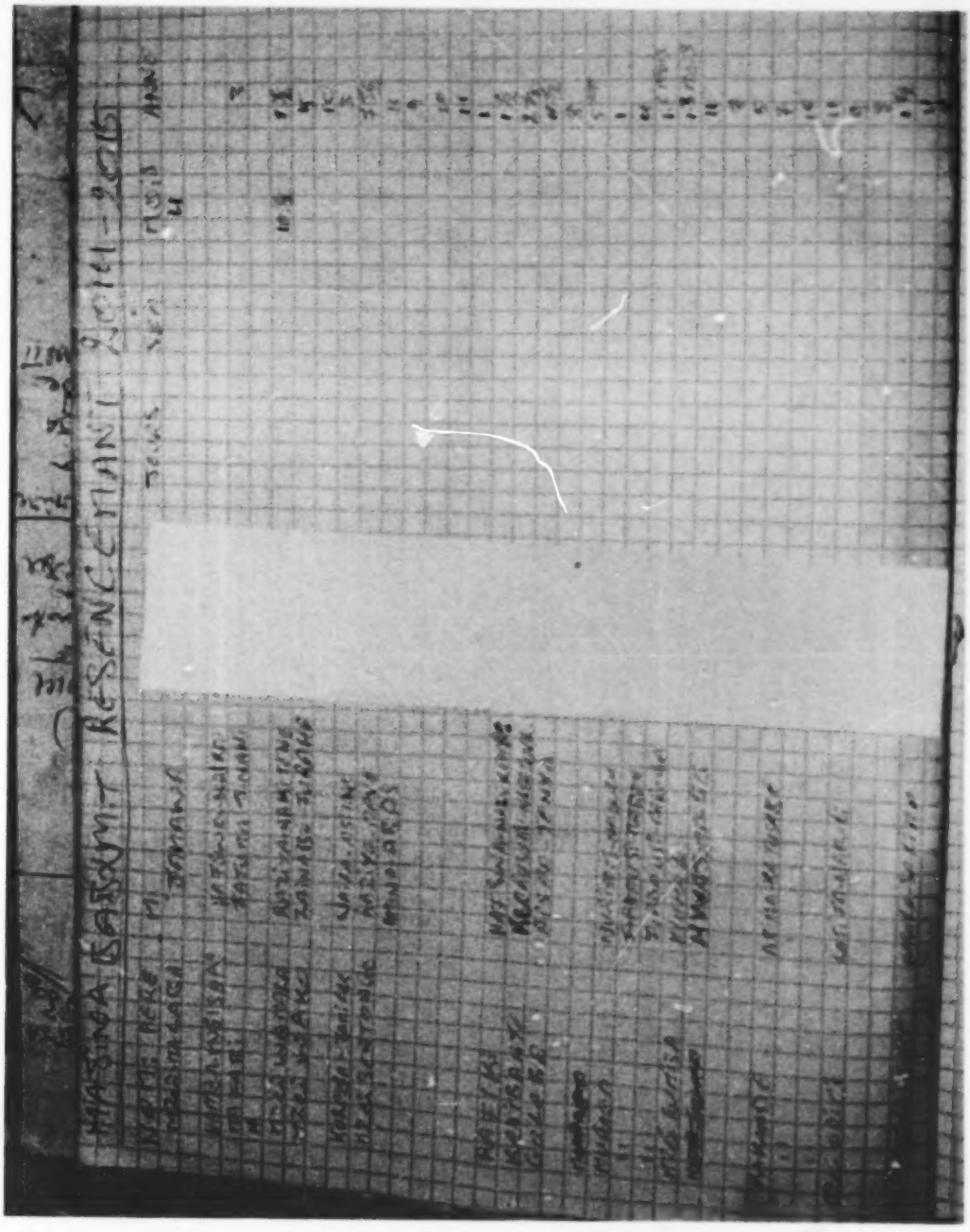
Fait à Kinshasa, le 9 novembre 2014

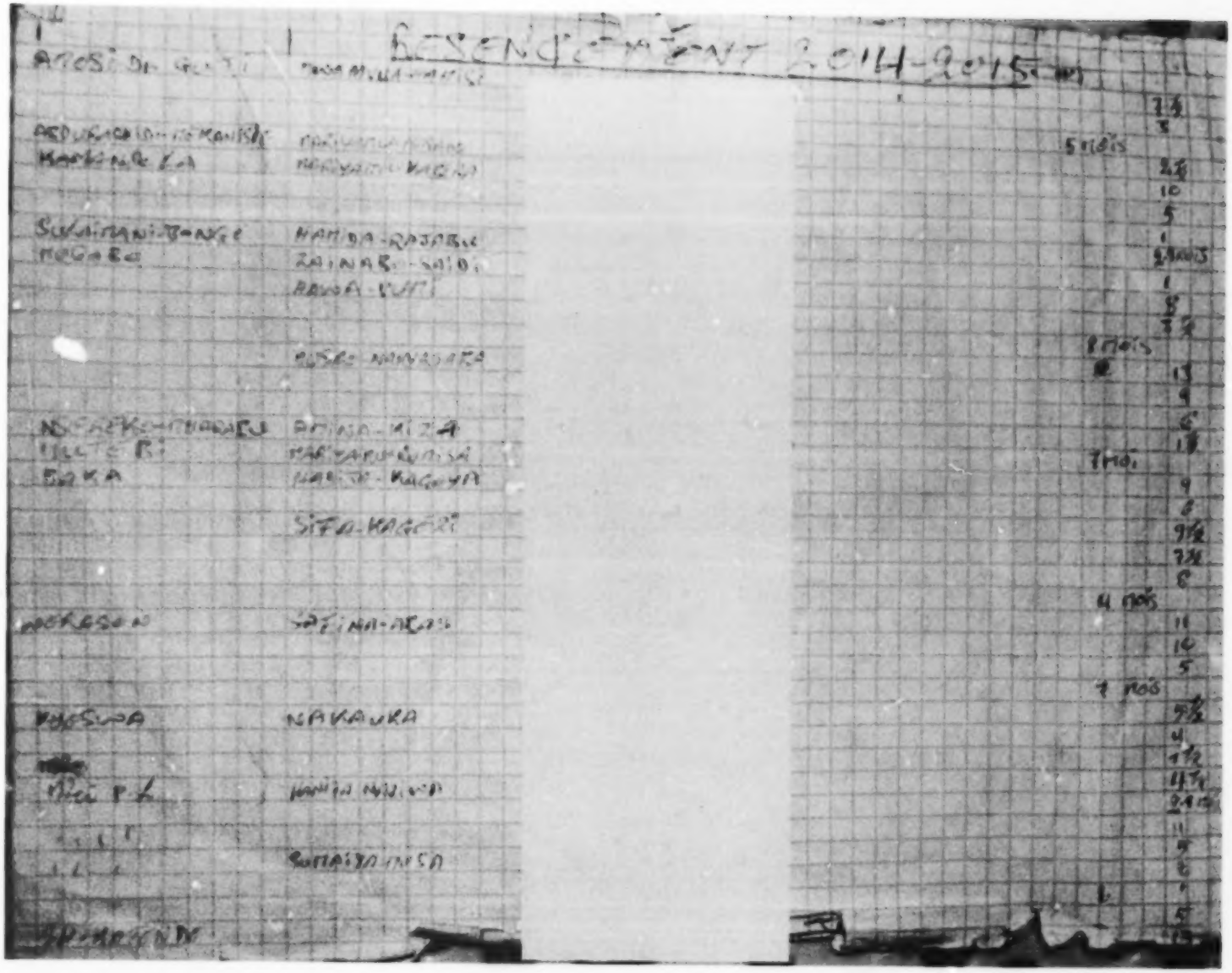
Hon. MWAKA BWENGE Arsène
Rapporteur

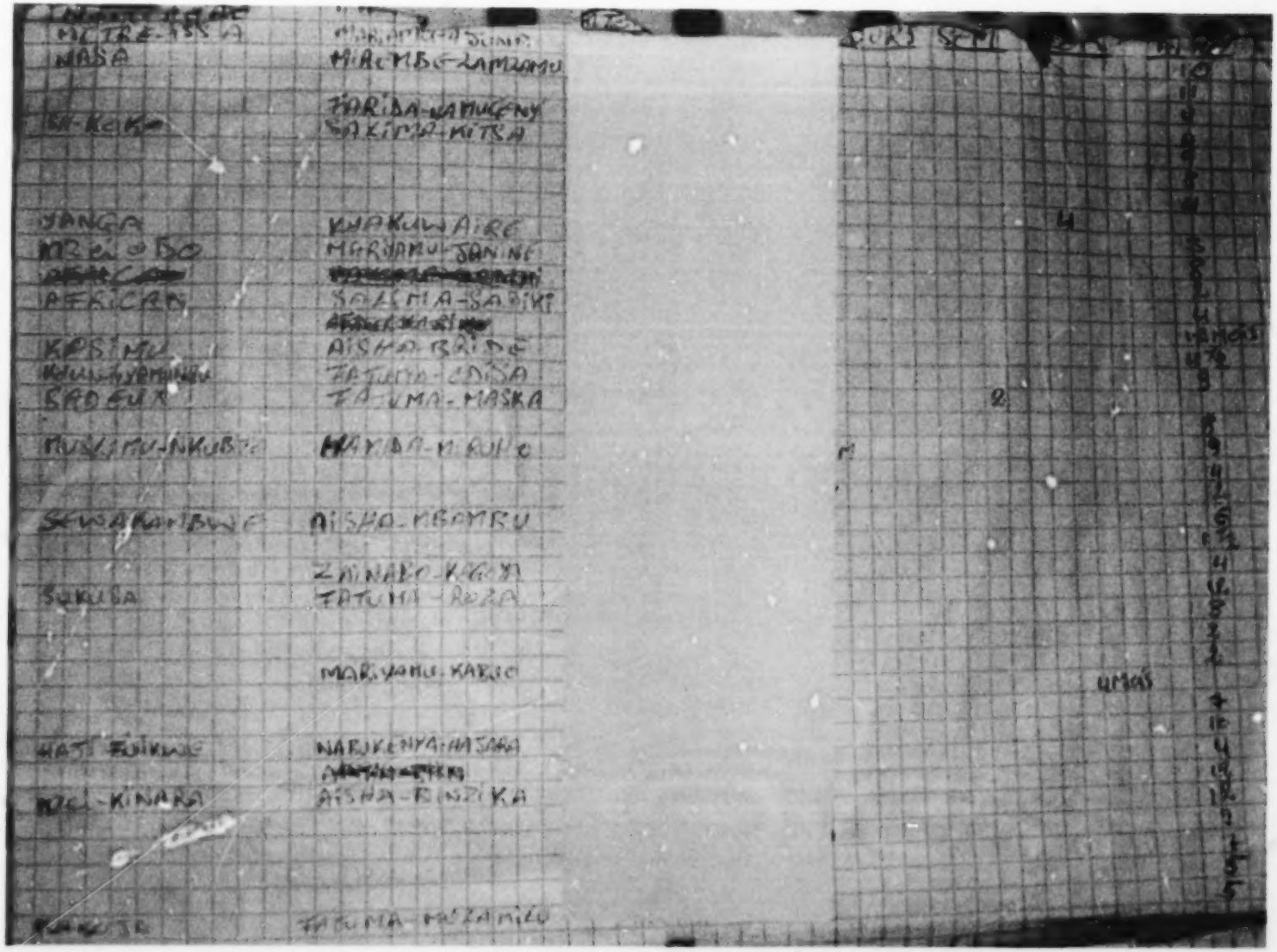
Hon. MUNEMBWE TAMUKUMWE Elysée
Présidente de la délégation

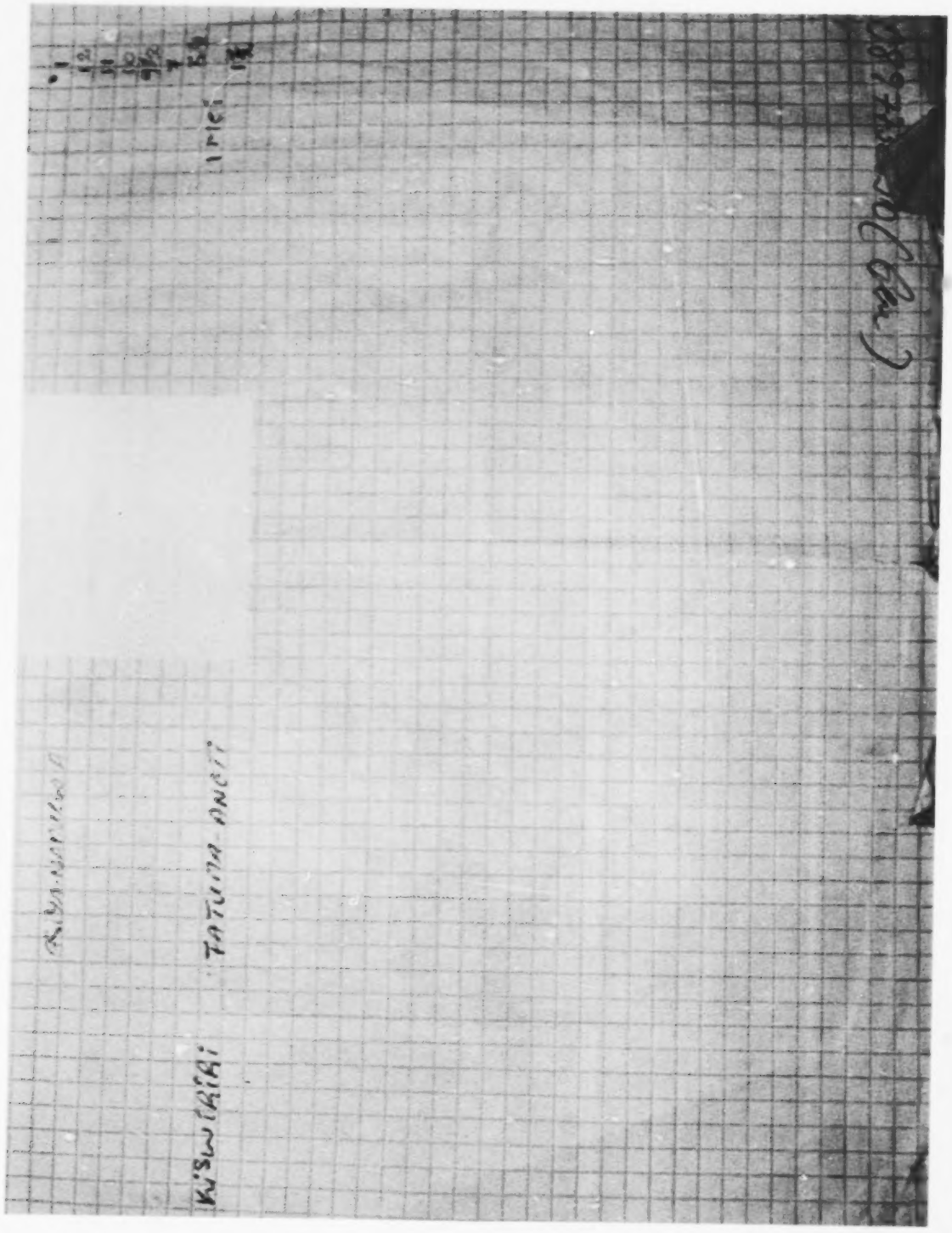
Annex 19: ADF Children Census 2014-2015

This census comes from the same book than the food distribution list and mentions a total of 145 children in Seka Baluku's group. However, one sheet is missing, putting the total to 117. Children's names have been hidden to protect their identity.

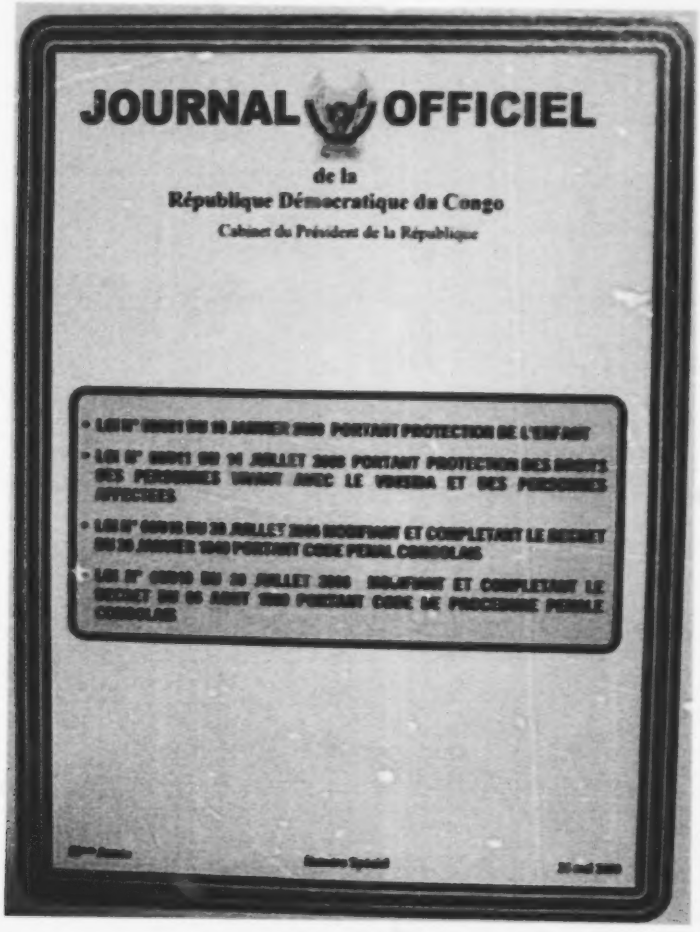



RESENGEMENT 2014-2015





Annex 20: Extracts of the DRC law on the protection of children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Cabinet du Président de la République

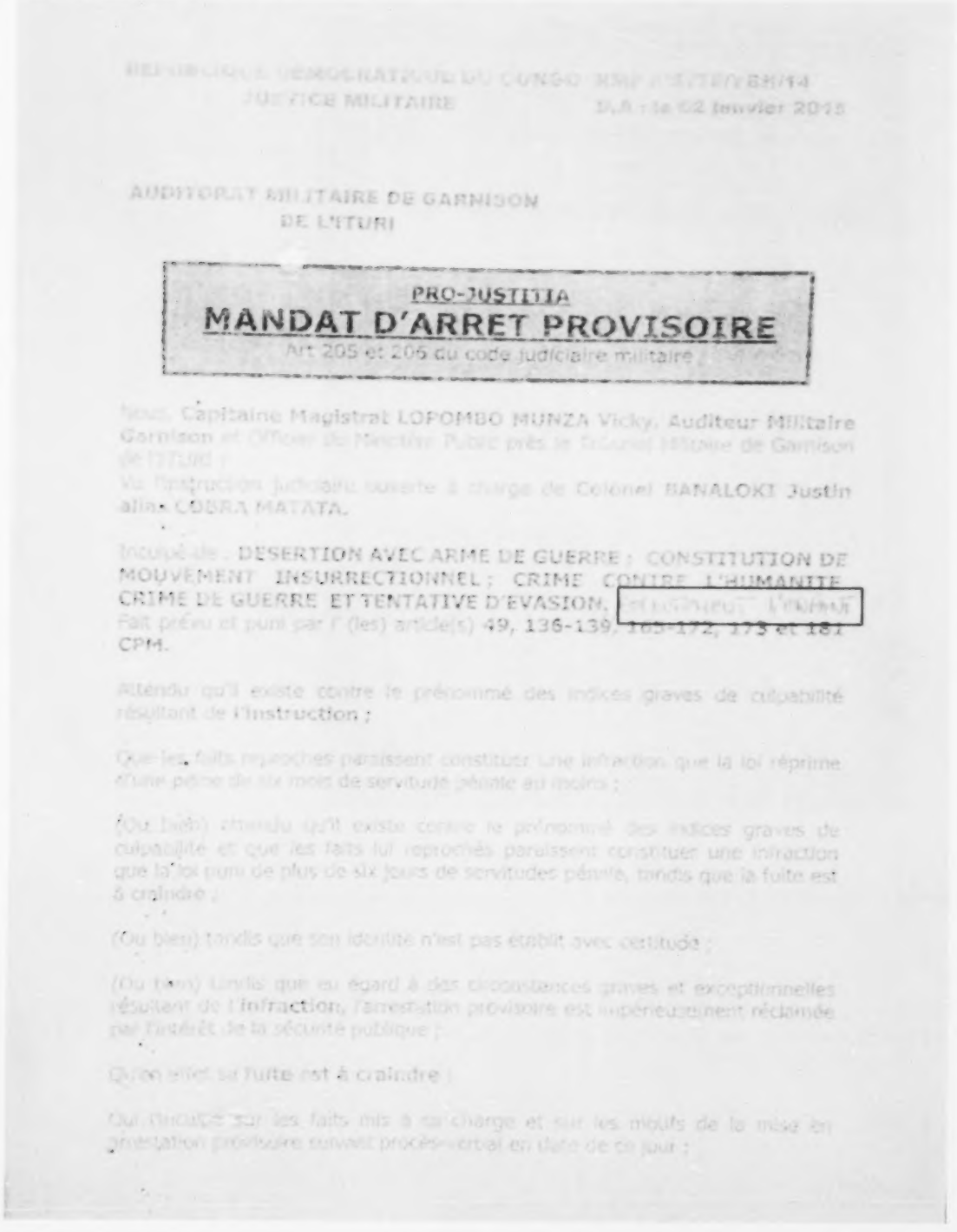
Article 71

L'enrôlement et l'utilisation des enfants dans les forces et groups armés ainsi que dans la Police sont interdits.

Article 187

[...] l'enrôlement ou l'utilisation des enfants âgés de moins de dix-huit ans dans les forces et groups armés et la police sont punis de dix à vingt ans de servitude pénale principale.

Annex 21: Arrest warrant for Cobra Matata.



PRO-JUSTITIA

MANDAT D'ARRET PROVISOIRE

Art 205 et 206 du code judiciaire militaire

AUDITORAT MILITAIRE DE GARNISON
DE L'ITURI

BEST COPY AVAILABLE

Vu les articles 27-28 du Code de Procédure Pénale et 205-206 du Code de Judiciaire Militaire ;

Ordonnons que le susdit **Colonel BANALOKI Justin alias COBRA MATATA.**

Né(e) à ..., le ... Fils (fille) de ...

Et de ... originaire de ...

Secteur de ... Territoire de ...

District de ... province de ...

Etat civil de ... études faites ...

Résidant à ... Profession ...

Soit mis en état d'arrestation provisoire.

Fait à BUNIA, le 09/12/2015

L'Officier du Ministère Public

LOPOMBO MUNZA Vicky
Capitaine Magistrat
Auditeur Militaire de Garnison

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